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2  
3  
4  
5  
  
  
  
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7  
8  
9  
10  
11  
  
  
12  
  
13  
14  
15  
16  
17

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**NEW SAN DIEGO CENTRAL COURTHOUSE**  
**FOR THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO:**  
**DRAFT ENVIRONMENTAL IMPACT REPORT**  
**SCH # 2000021015**  
**Issue Date: August 2010**

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## TABLE OF CONTENTS

<b>1.0</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1-1</b>
1.1	Project Summary .....	1-1
1.1.1	<i>Project Description.....</i>	<i>1-1</i>
1.1.2	<i>Project Location.....</i>	<i>1-2</i>
1.1.3	<i>Real Estate-Related Actions.....</i>	<i>1-2</i>
1.1.4	<i>Proposed Courthouse Facility .....</i>	<i>1-3</i>
1.1.5	<i>Related Facilities and Actions.....</i>	<i>1-5</i>
1.1.6	<i>Parking.....</i>	<i>1-5</i>
1.1.7	<i>Construction Scenario.....</i>	<i>1-5</i>
1.1.8	<i>Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court.....</i>	<i>1-7</i>
1.2	Environmental Impact Summary .....	1-7
1.3	Significant Unavoidable Impacts .....	1-8
1.4	Summary of Project Alternatives .....	1-8
1.4.1	<i>No Project Alternative .....</i>	<i>1-8</i>
1.4.2	<i>Reduced Project Alternative .....</i>	<i>1-9</i>
1.4.3	<i>Alternative Site Alternative.....</i>	<i>1-9</i>
1.5	Areas of Controversy and Issues To Be Resolved .....	1-10
<b>2.0</b>	<b>INTRODUCTION .....</b>	<b>2-1</b>
2.1	Purpose of the Environmental Impact Report .....	2-1
2.2	CEQA EIR Process.....	2-3
2.2.1	<i>Notice of Preparation .....</i>	<i>2-3</i>
2.2.2	<i>Draft EIR.....</i>	<i>2-4</i>
2.2.3	<i>Final EIR and EIR Certification .....</i>	<i>2-5</i>
2.3	Use of the EIR.....	2-6
2.4	Organization of the EIR.....	2-6
2.5	Incorporation by Reference.....	2-8
<b>3.0</b>	<b>PROJECT DESCRIPTION .....</b>	<b>3-1</b>
3.1	Overview .....	3-1
3.2	Purpose and Objectives of the Project .....	3-1
3.3	Project Location .....	3-2
3.4	Project Components.....	3-4
3.4.1	<i>Proposed Courthouse Facility .....</i>	<i>3-4</i>
3.4.2	<i>Parking.....</i>	<i>3-5</i>

## TABLE OF CONTENTS

---

3.4.3	<i>Real Estate-Related Actions</i> .....	3-6
3.4.4	<i>Project Design Considerations</i> .....	3-7
3.4.5	<i>Related Facilities and Actions</i> .....	3-9
3.4.6	<i>Construction Scenario</i> .....	3-9
3.4.7	<i>Future of the Existing County Courthouse, Old Jail, Madge Bradley Building, and Family Court</i> .....	3-14
3.4.8	<i>Project Schedule</i> .....	3-15
3.5	<b>General Plan Land Use Designation</b> .....	3-15
3.6	<b>Existing Conditions</b> .....	3-16
3.6.1	<i>Land Uses</i> .....	3-16
3.7	<b>Discretionary Project Approvals</b> .....	3-16
3.8	<b>Contact Person</b> .....	3-16
4.0	<b>ENVIRONMENTAL EFFECTS</b> .....	4.1-1
4.1	<b>Description of Environmental Setting, Project Impacts, and Mitigation Measures</b> .....	4.1-1
4.2	<b>Aesthetics and Visual Resources</b> .....	4.2-1
4.2.1	<i>Environmental Setting</i> .....	4.2-1
4.2.2	<i>Analytical Framework</i> .....	4.2-6
4.2.3	<i>Standards of Significance</i> .....	4.2-10
4.2.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.2-10
4.3	<b>Agricultural Resources</b> .....	4.3-1
4.3.1	<i>Environmental Setting</i> .....	4.3-1
4.3.2	<i>Analytical Framework</i> .....	4.3-1
4.3.3	<i>Standards of Significance</i> .....	4.3-1
4.3.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.3-2
4.4	<b>Air Quality</b> .....	4.4-1
4.4.1	<i>Environmental Setting</i> .....	4.4-1
4.4.2	<i>Analytical Framework</i> .....	4.4-9
4.4.3	<i>Standards of Significance</i> .....	4.4-21
4.4.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.4-21
4.5	<b>Biological Resources</b> .....	4.5-1
4.5.1	<i>Environmental Setting</i> .....	4.5-1
4.5.2	<i>Analytical Framework</i> .....	4.5-1
4.5.3	<i>Standards of Significance</i> .....	4.5-1
4.5.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.5-2
4.6	<b>Cultural and Historic Resources</b> .....	4.6-1
4.6.1	<i>Environmental Setting</i> .....	4.6-1
4.6.2	<i>Analytical Framework</i> .....	4.6-4

4.6.3	<i>Standards of Significance</i> .....	4.6-12
4.6.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.6-12
<b>4.7</b>	<b>Geology, Soils, and Seismicity</b> .....	<b>4.7-1</b>
4.7.1	<i>Environmental Setting</i> .....	4.7-1
4.7.2	<i>Analytical Framework</i> .....	4.7-5
4.7.3	<i>Standards of Significance</i> .....	4.7-6
4.7.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.7-7
<b>4.8</b>	<b>Hazards and Hazardous Materials</b> .....	<b>4.8-1</b>
4.8.1	<i>Environmental Setting</i> .....	4.8-1
4.8.2	<i>Analytical Framework</i> .....	4.8-2
4.8.3	<i>Standards of Significance</i> .....	4.8-7
4.8.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.8-7
<b>4.9</b>	<b>Land Use and Planning</b> .....	<b>4.9-1</b>
4.9.1	<i>Environmental Setting</i> .....	4.9-1
4.9.2	<i>Analytical Framework</i> .....	4.9-2
4.9.3	<i>Standards of Significance</i> .....	4.9-4
4.9.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.9-4
<b>4.10</b>	<b>Mineral Resources</b> .....	<b>4.10-1</b>
4.10.1	<i>Environmental Setting</i> .....	4.10-1
4.10.2	<i>Analytical Framework</i> .....	4.10-1
4.10.3	<i>Standards of Significance</i> .....	4.10-1
4.10.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.10-1
<b>4.11</b>	<b>Noise</b> .....	<b>4.11-1</b>
4.11.1	<i>Environmental Setting</i> .....	4.11-1
4.11.2	<i>Analytical Framework</i> .....	4.11-7
4.11.3	<i>Standards of Significance</i> .....	4.11-13
4.11.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.11-14
<b>4.12</b>	<b>Population and Housing</b> .....	<b>4.12-1</b>
4.12.1	<i>Environmental Setting</i> .....	4.12-1
4.12.2	<i>Analytical Framework</i> .....	4.12-1
4.12.3	<i>Standards of Significance</i> .....	4.12-3
4.12.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.12-3
<b>4.13</b>	<b>Public Services</b> .....	<b>4.13-1</b>
4.13.1	<i>Environmental Setting</i> .....	4.13-1
4.13.2	<i>Analytical Framework</i> .....	4.13-2
4.13.3	<i>Standards of Significance</i> .....	4.13-3
4.13.4	<i>Potential Impacts and Mitigation Measures</i> .....	4.13-3
<b>4.14</b>	<b>Recreation</b> .....	<b>4.14-1</b>
4.14.1	<i>Environmental Setting</i> .....	4.14-1

## TABLE OF CONTENTS

---

4.14.2	<i>Analytical Framework .....</i>	<i>4.14-1</i>
4.14.3	<i>Standards of Significance .....</i>	<i>4.14-3</i>
4.14.4	<i>Potential Impacts and Mitigation Measures .....</i>	<i>4.14-3</i>
<b>4.15</b>	<b>Transportation and Circulation .....</b>	<b>4.15-1</b>
4.15.1	<i>Environmental Setting .....</i>	<i>4.15-1</i>
4.15.2	<i>Analytical Framework .....</i>	<i>4.15-7</i>
4.15.3	<i>Standards of Significance .....</i>	<i>4.15-13</i>
4.15.4	<i>Potential Impacts and Mitigation Measures .....</i>	<i>4.15-16</i>
<b>4.16</b>	<b>Utilities and Service Systems.....</b>	<b>4.16-1</b>
4.16.1	<i>Environmental Setting .....</i>	<i>4.16-1</i>
4.16.2	<i>Analytical Framework .....</i>	<i>4.16-6</i>
4.16.3	<i>Standards of Significance .....</i>	<i>4.16-9</i>
4.16.4	<i>Potential Impacts and Mitigation Measures .....</i>	<i>4.16-9</i>
<b>5.0</b>	<b>ALTERNATIVES.....</b>	<b>5-1</b>
<b>5.1</b>	<b>Rationale for Alternative Selection.....</b>	<b>5-1</b>
<b>5.2</b>	<b>Alternatives Considered But Rejected From Further Consideration .....</b>	<b>5-2</b>
5.2.1	<i>Broadway Site Alternative.....</i>	<i>5-2</i>
5.2.2	<i>Non-Downtown Site.....</i>	<i>5-2</i>
<b>5.3</b>	<b>Project Objectives.....</b>	<b>5-3</b>
<b>5.4</b>	<b>No Project Alternative .....</b>	<b>5-3</b>
<b>5.5</b>	<b>Reduced Project Alternative.....</b>	<b>5-4</b>
5.5.1	<i>Aesthetics and Visual Resources .....</i>	<i>5-5</i>
5.5.2	<i>Agricultural Resources .....</i>	<i>5-5</i>
5.5.3	<i>Air Quality .....</i>	<i>5-5</i>
5.5.4	<i>Biological Resources .....</i>	<i>5-6</i>
5.5.5	<i>Cultural and Historic Resources .....</i>	<i>5-6</i>
5.5.6	<i>Geology, Soils, and Seismicity.....</i>	<i>5-6</i>
5.5.7	<i>Hazards and Hazardous Materials.....</i>	<i>5-6</i>
5.5.8	<i>Land Use and Planning.....</i>	<i>5-6</i>
5.5.9	<i>Mineral Resources .....</i>	<i>5-7</i>
5.5.10	<i>Noise .....</i>	<i>5-7</i>
5.5.11	<i>Population and Housing.....</i>	<i>5-7</i>
5.5.12	<i>Public Services.....</i>	<i>5-8</i>
5.5.13	<i>Recreation .....</i>	<i>5-8</i>
5.5.14	<i>Traffic.....</i>	<i>5-9</i>
5.5.15	<i>Utilities and Service Systems .....</i>	<i>5-9</i>
5.5.16	<i>Water Quality and Hydrology .....</i>	<i>5-9</i>
5.5.17	<i>Conclusion .....</i>	<i>5-10</i>

<b>5.6</b>	<b>Alternate Site Alternative.....</b>	<b>5-11</b>
5.6.1	<i>Aesthetics and Visual Resources .....</i>	<i>5-12</i>
5.6.2	<i>Agricultural Resources .....</i>	<i>5-12</i>
5.6.3	<i>Air Quality.....</i>	<i>5-12</i>
5.6.4	<i>Biological Resources .....</i>	<i>5-13</i>
5.6.5	<i>Cultural and Historic Resources.....</i>	<i>5-13</i>
5.6.6	<i>Geology, Soils, and Seismicity .....</i>	<i>5-13</i>
5.6.7	<i>Hazards and Hazardous Materials .....</i>	<i>5-13</i>
5.6.8	<i>Land Use and Planning .....</i>	<i>5-14</i>
5.6.9	<i>Mineral Resources.....</i>	<i>5-14</i>
5.6.10	<i>Noise.....</i>	<i>5-15</i>
5.6.11	<i>Population and Housing .....</i>	<i>5-15</i>
5.6.12	<i>Public Services .....</i>	<i>5-15</i>
5.6.13	<i>Recreation.....</i>	<i>5-16</i>
5.6.14	<i>Traffic .....</i>	<i>5-16</i>
5.6.15	<i>Utilities and Service Systems.....</i>	<i>5-17</i>
5.6.16	<i>Water Quality and Hydrology.....</i>	<i>5-17</i>
5.6.17	<i>Conclusion.....</i>	<i>5-18</i>
<b>5.7</b>	<b>Alternate Project Sites.....</b>	<b>5-19</b>
<b>5.8</b>	<b>Environmentally Superior Alternative .....</b>	<b>5-20</b>
<b>6.0</b>	<b>OTHER CEQA CONSIDERATIONS .....</b>	<b>6-1</b>
<b>6.1</b>	<b>Significant and Unavoidable Impacts .....</b>	<b>6-1</b>
<b>6.2</b>	<b>Growth Inducing Impacts .....</b>	<b>6-4</b>
<b>6.3</b>	<b>Cumulative Impacts .....</b>	<b>6-5</b>
6.3.1	<i>Reduced Project Alternative .....</i>	<i>6-6</i>
6.3.2	<i>Alternate Site Alternative .....</i>	<i>6-11</i>
<b>7.0</b>	<b>LITERATURE CITED AND PERSONS AND ORGANIZATIONS CONTACTED .....</b>	<b>7-1</b>
<b>7.1</b>	<b>Literature Cited .....</b>	<b>7-1</b>
<b>7.2</b>	<b>Persons and Organizations Contacted.....</b>	<b>7-4</b>
<b>8.0</b>	<b>REPORT PREPARATION .....</b>	<b>8-1</b>
<b>8.1</b>	<b>Lead Agency .....</b>	<b>8-1</b>
<b>8.2</b>	<b>Consultant .....</b>	<b>8-1</b>
<b>8.3</b>	<b>Persons and Organizations Contacted.....</b>	<b>8-1</b>

## LIST OF APPENDICES

Appendix A	Expanded Notice of Preparation (NOP) / Public Responses Received
Appendix B	Air Quality Analysis Data
Appendix C	Historic Structure Assessment and Archaeological Review for the New San Diego Central Courthouse Project
Appendix D	Paleontological Resource and Monitoring Assessment
Appendix E	Geologic Information and Reports
Appendix F	Hazardous Materials Investigations
Appendix G	Noise Analysis Data
Appendix H	Traffic Impact Analysis Report

## LIST OF FIGURES

Figure 3-1	Regional/Local Vicinity Map .....	3-17
Figure 3-2	Proposed Improvements .....	3-19
Figure 3-3	Project Site .....	3-21
Figure 3-4	Existing Civic Uses in Project Area .....	3-23
Figure 3-5	Proposed Site Access.....	3-25
Figure 4.2-1	View Location Map .....	4.2-19
Figure 4.2-2A	Views to the Project Site .....	4.2-21
Figure 4.2-2B	Views to the Project Site .....	4.2-23
Figure 4.2-2C	Views to the Project Site .....	4.2-25
Figure 4.2-3	View Corridors .....	4.2-27
Figure 4.2-4A	Shadow Analysis (March/September) .....	4.2-29
Figure 4.2-4B	Shadow Analysis (June).....	4.2-31
Figure 4.2-4C	Shadow Analysis (December).....	4.2-33
Figure 4.7-1	Fault Map.....	4.7-13
Figure 4.9-1	Proposed Neighborhoods and Districts .....	4.9-7
Figure 4.9-2	Proposed Land Use Map .....	4.9-9
Figure 4.11-1	Sound Levels and Human Response .....	4.11-27
Figure 4.11-2	Noise Measurement Locations .....	4.11-29
Figure 4.15-1	Existing Intersection Geometry .....	4.15-27
Figure 4.15-2	Existing Conditions Traffic Volumes.....	4.15-29
Figure 4.15-3	Public Parking and Building Locations.....	4.15-31
Figure 4.15-4	Project Trip Assignment .....	4.15-33
Figure 4.15-5	New Trip Assignment .....	4.15-35
Figure 4.15-6	Redistributed Madge Bradley and Family Law .....	4.15-37
Figure 4.15-7	Removal of Madge Bradley and Family Law Trips.....	4.15-39



Figure 4.15-8	Removal of Old Jail, County Courthouse Uses, within Existing Courthouse, and Existing Office Buildings on Proposed Site .....	4.15-41
Figure 4.15-9	Existing Plus Project Conditions.....	4.15-43
Figure 4.15-10	Cumulative Project Trips .....	4.15-45
Figure 4.15-11	Trips Associated with Reuse of Madge Bradley and Family Law .....	4.15-47
Figure 4.15-12	Existing Plus Cumulative Conditions .....	4.15-49
Figure 4.15-13	Existing Plus Cumulative Plus Project Conditions .....	4.15-51
Figure 4.15-14	Existing Parking Lot Locations .....	4.15-53
Figure 6-1	Cumulative Projects.....	6-19

## LIST OF TABLES

Table 1-1	Environmental Impact Summary .....	1-11
Table 3.4-1	Project Construction Activities .....	3-12
Table 4.4-1	Criteria Air Pollutants' Effects on Health.....	4.4-2
Table 4.4-2	Local Air Quality Levels .....	4.4-3
Table 4.4-3	Ambient Air Quality Standards and Air Pollution Control District Attainment Status .....	4.4-14
Table 4.4-4	Air Pollution Control District's Screening Level Thresholds .....	4.4-17
Table 4.4-5	Criteria Air Pollutant Emissions from Construction .....	4.4-23
Table 4.4-6	Criteria Air Pollutant Emissions from Operations.....	4.4-24
Table 4.4-7	SCREEN 3 Predicted Emission Concentrations.....	4.4-27
Table 4.4-8	Recommended Actions for Climate Change Proposed Scoping Plan .....	4.4-29
Table 4.4-9	Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse.....	4.4-33
Table 4.11-1	Noise Descriptors.....	4.11-2
Table 4.11-2	Summary of Existing Noise Measurements .....	4.11-5
Table 4.11-3	Existing Traffic Noise Levels.....	4.11-6
Table 4.11-4	Land Use – Noise Compatibility Guidelines (City General Plan Noise Standards) .....	4.11-9
Table 4.11-5	Table of Applicable Limits – San Diego Municipal Code .....	4.11-12
Table 4.11-6	Future Noise Scenarios.....	4.11-15
Table 4.11-7	Typical Noise Levels from Construction Equipment .....	4.11-21
Table 4.11-8	Typical Vibration Levels for Construction equipment.....	4.11-21
Table 4.11-9	Existing Plus Cumulative Plus Project Noise Scenarios.....	4.11-23
Table 4.11-10	Existing Plus Cumulative Plus Project Noise Scenarios.....	4.11-25
Table 4.15-1	Existing Condition Intersection Levels of Service (LOS) – AM Peak .....	4.15-3
Table 4.15-2	Existing Conditions Roadway Segment Levels of Service (LOS).....	4.15-3

## TABLE OF CONTENTS

---

Table 4.15-3	Occupancy Survey - Surface Parking Lots in Immediate Vicinity of Project Site .....	4.15-4
Table 4.15-4	Trip Generation – County Court Building.....	4.15-6
Table 4.15-5	Trip Generation – Family and Probate Court (No Jury Calls) .....	4.15-9
Table 4.15-6	Forecast Trips Generated by New Courtrooms and Courtrooms Relocated from Outside Downtown San Diego.....	4.15-10
Table 4.15-7	Redistributed Existing Trips .....	4.15-11
Table 4.15-8	Existing Trips Associated with Existing Buildings on Project Site....	4.15-12
Table 4.15-9	Intersection LOS & Delay Ranges .....	4.15-15
Table 4.15-10	Level of Service Thresholds for Roadway Segments .....	4.15-15
Table 4.15-11	City of San Diego Level of Significance Thresholds.....	4.15-16
Table 4.15-12	Existing Plus Project Conditions Intersection LOS – AM Peak .....	4.15-17
Table 4.15-13	Existing Plus Project Roadway ADT Volumes and LOS .....	4.15-17
Table 4.15-14	Cumulative Conditions – Intersection LOS AM Peak Hour .....	4.15-19
Table 4.15-15	Cumulative Conditions – Roadway ADT Volumes and LOS.....	4.15-21
Table 5-1	Project Alternatives – Impacts Compared to the Project .....	5-22
Table 5-2	Alternative Project Sites (Budget Package).....	5-23
Table 6-1	Cumulative Projects List.....	6-17

## 1.0 EXECUTIVE SUMMARY

### 1.1 PROJECT SUMMARY

#### 1.1.1 Project Description

The Administrative Office of the Courts (the “AOC”) proposes construction of the New San Diego Central Courthouse Project (the “Project”) in downtown San Diego and operation of the facility for the Superior Court of California, County of San Diego (the “Superior Court”). The Project will enhance security and the efficiency of judicial operations, improve public access, and remove existing judicial facilities that lack adequate seismic safety, security, and public access.

The New San Diego Central Courthouse will have as many as approximately 20 stories with as many as three basement levels. The Project will also include construction of a tunnel between the new courthouse and the County of San Diego’s existing Central Jail and construction of a bridge over C Street between the new courthouse and the County of San Diego’s existing Hall of Justice. The AOC will operate the proposed new facility for the Superior Court. In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse.

Since the AOC is the Project’s Lead Agency and is acting for the State of California on behalf of the Judicial Council of California, local governments’ land use planning and zoning regulations do not apply to the proposed Project. However, the AOC intends to consult with local government representatives and provide a courthouse that is consistent with the quality of the local architectural environment.

The AOC will apply the codes and standards of the California Building Code<sup>1</sup> (edition in effect as of the commencement of schematic design phase of the Project); California Code of Regulations, Title 24; California Energy Code, Americans with Disabilities Act; American Disability Act Accessibility Guidelines;<sup>2</sup> and, Division of the State Architect’s Access Checklist.<sup>3</sup> The proposed Project will implement sustainable elements throughout its design, operation, and maintenance. The AOC’s design will incorporate features that conform to standards of a Leadership in Energy and Environmental Design (LEED) silver-certified building, and the building’s design will include features to reduce energy consumption by at least 15% from the levels of the California Building Code. The LEED Rating includes

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<sup>1</sup> California Building Code. 2008. Building Standards Commission. Available at: <http://www.bsc.ca.gov/default.htm>.

<sup>2</sup> Available at: <http://www.access-board.gov/adaag/html/adaag.htm>

<sup>3</sup> Available at: [http://www.documents.dgs.ca.gov/dsa/pubs/checklists\\_rev\\_08-01-09.pdf](http://www.documents.dgs.ca.gov/dsa/pubs/checklists_rev_08-01-09.pdf)

criteria for features related to sustainability, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design processes.

### 1.1.2 Project Location

The proposed Project site for the New San Diego Central Courthouse (herein referred to as the “Project site”) is an approximately 1.4-acre site; refer to *Figure 3-1, Regional/Local Vicinity Map*. The Judicial Council of California owns the proposed courthouse site, the existing County Courthouse, and the Old Jail; refer to *Figure 3-2, Proposed Improvements*. The Project site is located within the U.S. Geological Survey’s 7.5-minute San Diego topographic quadrangle. The Interstate-5 (I-5) San Diego Freeway is roughly 0.5 miles north of the Project site and approximately 1.0 miles east of the Project site. The proposed site is a one-block parcel bounded by West B Street on the north, Union Street on the east, West C Street on the south, and State Street on the west.

In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County’s Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, the AOC does not currently have funding to demolish the structures. This building is located at 220 West Broadway and extends northward from Broadway to the block north of B Street with bridges over C and B Streets. The building occupies approximately 2.25 City blocks, with an area of approximately three acres, and has 503,000 building gross square feet (“BGSF”). The Superior Court occupies approximately 383,000 BGSF<sup>4</sup> of space within the building, County offices occupy 88,000 BGSF of space, and the Sheriff’s Department occupies approximately 32,000 BGSF. The facility has approximately 40 surface parking spaces, primarily for County staff. The County provides 67 secured spaces for Superior Court Staff on the block between B Street, Union Street, A Street, and Front Street.

In addition, the new courthouse will accommodate selected staff and operations from the Hall of Justice, Madge Bradley Building, Family Court, and the Old Jail once construction is complete. *Figure 3-2, Proposed Improvements*, shows the location of these buildings in relation to the Project site.

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<sup>4</sup> The Superior Court occupies approximately 243,000 useable square feet of space within the building, the County’s Child Support Services and Health and Human Services occupy approximately 56,000 square feet of useable space in the building, and the Sheriff’s Department occupies approximately 20,000 square feet of useable space; these uses total 319,000 useable square feet. BGSF includes common areas in a building, such as lobby space, restrooms, and building support space. The AOC calculated each uses’ percentage of the total useable square feet and multiplied each uses’ percentage by 503,000 BGSF to determine each uses’ BGSF.

### 1.1.3 Real Estate-Related Actions

The AOC will work with the City and County to determine what real property rights and interests the AOC may need to construct and operate a pedestrian tunnel to connect the new courthouse to the Central Jail and to determine how to document those real property interests that the parties conclude are necessary. After completion of the tunnel, the AOC will transfer title to the tunnel and all related real property rights to the County to complete an existing obligation created by the 2009 agreement between the County and the AOC for the AOC's acquisition of the County Courthouse and other properties. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the tunnel that will be located on or under the County's property.

As stated previously, the Project will include construction of a bridge over C Street to connect the new courthouse to the Hall of Justice. The AOC will work with the City to determine and document what real property rights and interests the AOC may need to procure to construct and operate the bridge over C Street. The AOC will also work with the County to acquire necessary easements or other property rights from the County to construct and operate the portions of the bridge that will be located on or over the County's property.

As previously noted, at some point in the future, the AOC intends to dispose of the existing County Courthouse and Old Jail parcels; however, at this time, the AOC has not made and is not making any disposition arrangements. When the AOC develops proposals for disposition of these properties, the AOC will prepare additional CEQA documentation for the disposition activities, if appropriate and as required.

### 1.1.4 Proposed Courthouse Facility

The Project will construct a courthouse building with approximately 20 stories and three basement levels. To date, the AOC has developed only a preliminary site plan for the Project; however, the AOC expects that the building will be as much as approximately 400 feet in height with approximately 750,000 BGSF. The main public entrance to the new courthouse will be on C Street, Union Street, or the intersection of C Street/Union Street.

The new courthouse will include 71 courtrooms with associated judicial chambers and operational areas. The new courthouse will support felony and misdemeanor judicial activities and other judicial activities that may include civil, probate, and family law functions. To maximize functional flexibility, all of the courtrooms will have holding capability for in-custody detainees and space for juries. The facility's lowest floors will provide an entrance, security screening facilities, and lobby on the first floor; additional public areas, support offices, and high volume courtrooms on the lower floors; and other

1 courtrooms and judicial facilities on the upper floors. The building will also provide space  
2 for administrative and staff offices, juror assembly, and building support space. To promote  
3 security inside the new courthouse, the building will provide separate corridors and  
4 elevators for movement of in-custody detainees, judicial staff, and visitors.

5 To improve operational efficiency, the Project includes construction of a bridge over C Street  
6 to connect the new facility to the Hall of Justice. The AOC presumes that the bridge will be  
7 approximately 45 feet above the street and approximately 20 feet wide, 16 feet high, and 150  
8 feet long.

9 Pedestrian access to the courthouse will occur from Union Street and from C Street; refer to  
10 *Figure 3-5, Proposed Site Access*. Visitors will enter into the lobby area and will be screened  
11 for security purposes, prior to entering the main courthouse facilities.

12 The building's upper basement level will include in-custody detainee handling facilities that  
13 will connect via a tunnel to the County's Central Jail, which is located approximately 325  
14 feet east of the proposed courthouse site. There will also be building support space in the  
15 basement for mechanical equipment and building operational support needs. A lower  
16 basement level will provide approximately 115 secured parking spaces for judicial officers  
17 and judicial executives and may also provide additional building support areas; refer to  
18 *Figure 3-5, Proposed Site Access*, which shows the location of the secure parking/sally port  
19 entry.

20 After completion of the new courthouse, the Superior Court will relocate existing staff and  
21 operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley  
22 Building, Family Court, and portions of the Kearny Mesa Facility into the new courthouse.  
23 The Superior Court will continue to use its existing space in the Hall of Justice, but will  
24 abandon its space in the County Courthouse, Madge Bradley Building, and Family Court.  
25 The proposed new courthouse will add two new courtrooms and will transfer the staff and  
26 operations of a small claims courtroom from the Kearny Mesa Facility to the proposed new  
27 courthouse. The Superior Court will increase staffing from the current approximately 711  
28 staff to approximately 810 staff members.<sup>5</sup> For the Superior Court's downtown San Diego  
29 operations, the Project will increase juror population by an estimated 28 persons per day  
30 and visitor population by approximately 2.9 percent per day.<sup>6</sup>

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5 San Diego New Central Courthouse – Study Phase Report. Prepared by Skidmore, Owings and Merrill, LLP. December 2005.

6 The existing Superior Court currently has a total of 69 existing courtrooms in the downtown San Diego area housed in the County Courthouse, Hall of Justice, and Family Court. The 71 courtrooms proposed with the Project represent a 2.9 percent increase from the existing 69 courtrooms. One jury is composed of 14 jurors (12 jurors and two alternates). The juror population will therefore increase by an estimated 28 people per day over the Superior Court's existing juror population.

### 1.1.5 Related Facilities and Actions

The Project also proposes improvements in the area surrounding the Project site. To improve pedestrian safety at the intersections of Union Street and Front Street with B Street and C Street, the AOC will add pedestrian corner-crossing enhancements.

### 1.1.6 Parking

The Project's proposed courthouse site currently provides approximately 181 surface parking spaces available to the public that a private party manages. In addition, approximately ten on-street parking spaces are located adjacent to the eastern side of the Project site along the western side of Union Street. The County Courthouse provides approximately 44 parking spaces for judicial officers and some Superior Court staff and County staff, and there are an additional 89 parking spaces for judicial officers and some Superior Court staff and County staff on the County-owned block between B Street, Union Street, A Street, and Front Street.

The Project will eliminate all public parking spaces on the proposed courthouse site and will eliminate all non-public parking spaces in the area between B Street, Front Street, Broadway, and Union Street. Since the Project will reserve adjacent on-street parking spaces for use by public law enforcement vehicles, the Project will also eliminate the on-street public parking spaces presently located along the western side of Union Street. The Project will provide approximately 115 secured parking spaces for judicial officers and Superior Court executives, but all other staff and visitors will park in offsite locations. *Figure 3-5, Proposed Site Access*, shows the location of the entrance to the proposed secure parking/sally port (secured) entry area.

Regional Transit System buses currently park in on-street parking spaces on the eastern side of Front Street and south side of B Street that are adjacent to the Project site. As the Project's security measures will limit all adjacent on-street parking spaces to use by law enforcement vehicles, the Project will eliminate the Regional Transit System's on-street bus waiting spaces.

### 1.1.7 Construction Scenario

The Project will remove the existing structures, surface parking facilities, utilities, and other structures; construct a new courthouse facility; relocate utilities in the area surrounding the proposed courthouse site; and, construct a tunnel to connect the new courthouse with the County's Central Jail. In addition, the AOC will construct a bridge over C Street to connect the Hall of Justice and the new courthouse. The Project will not construct any additional public parking facilities.

1 The Project includes demolition of the existing County Courthouse, Old Jail, and bridges  
2 that extend from the County's Jail to the County Courthouse and from the Hall of Justice to  
3 the County Courthouse; however, as the AOC does not currently have funding for the  
4 intended demolition, such activities will occur at an unknown date in the future. When  
5 demolition activities occur, the AOC will replace the existing chilled water supply and  
6 related connections that currently extend from the County's Central Plant through the  
7 County Courthouse to other County facilities to ensure continued service.

8 Construction of the proposed courthouse building will begin with closure of the onsite  
9 parking facility, termination of leases for the onsite buildings and closure of the buildings,  
10 and installation of perimeter fencing and sound barriers around the periphery of the  
11 proposed courthouse site. Limited offsite construction staging areas will be required due to  
12 the proposed Project design and onsite constraints with regard for available land not  
13 affected by excavation and construction activities. The AOC has coordinated with  
14 surrounding parking vendors to secure adjacent facilities to be used for minimal tool and  
15 laydown areas. The AOC anticipates that this need may be satisfied by an approximately  
16 150-foot by 150-foot area (0.5 acre) at the parking lot located at the northwest corner of  
17 Union Street and B Street. The AOC will minimize use of such offsite areas; however, they  
18 are necessary to accommodate the trade tool needs on a daily basis. Construction workers  
19 will likely park in nearby offsite parking areas. When possible, workers will carpool to the  
20 Project site and will report to a designated onsite staging area. When feasible, construction  
21 operations will use electric construction power in lieu of diesel-powered generators to  
22 provide adequate power for man/material hoisting, crane, and general construction  
23 operations.

24 Construction activities will include excavation, grading, framing, paving, and coating.  
25 Construction of the New San Diego Central Courthouse will take as much as approximately  
26 28 months from mid 2014 to 2016. *Table 3-1* provides a description of the proposed  
27 construction activities and an estimate of the duration of anticipated individual construction  
28 activities. Some individual construction activities may overlap. Construction of a tunnel to  
29 connect the New San Diego Central Courthouse with the County's Central Jail and the  
30 bridge to connect to the Hall of Justice will coincide with construction of the new  
31 courthouse. Tunneling operations will require temporary closure of portions of Front Street.

32 The AOC expects that excavation and grading activities for the new courthouse will require  
33 approximately three months. Excavation operations for the proposed tunnel will extend the  
34 area and duration of excavation operations, but the AOC currently has insufficient  
35 information to clarify the area and duration of tunneling excavations. The AOC's tunneling  
36 construction operations will require lane closures on Front Street between B Street and C  
37 Street.



1 Although the AOC does not yet have specific engineering design information for the  
2 Project, the AOC estimates that Project will require excavation of approximately 140,000  
3 cubic yards<sup>7</sup> of soil materials, and excavation operations at the site will export all of the  
4 material to an offsite location for proper disposal. During the later stages of construction,  
5 the Project will import and replace approximately 14,000<sup>8</sup> cubic yards of material.

#### 6 1.1.8 Future of the Existing County Courthouse, Old Jail, Madge 7 Bradley Building, and Family Court

8 After completion of the New San Diego Central Courthouse, the Superior Court will move  
9 from the County Courthouse, Madge Bradley building, Family Court building, and Kearney  
10 Mesa to the new courthouse. The County will move some of its Sheriff's Department  
11 operations to the new courthouse and will move its other operations from the County  
12 Courthouse to other facilities.

13 After the Superior Court and other parties vacate the buildings, the AOC will close and  
14 secure the existing County Courthouse and Old Jail. Closure of the building will include  
15 measures to secure windows and doors on the buildings' ground floor and potentially other  
16 floors. The AOC will also secure the buildings' driveway on C Street, and the AOC will  
17 install fencing to secure the plaza at the northwest corner of Broadway/Front Street and the  
18 plaza and driveway area at the southwest corner of Front Street/C Street. In addition, the  
19 AOC will continue to provide maintenance service for the buildings' exterior and portions  
20 of the buildings' interior.

21 Since the County Courthouse and Old Jail have structural limitations and an earthquake  
22 fault bisects the property on which the buildings are located, the AOC intends to demolish  
23 the structures between West Broadway, Union Street, the northern side of B Street, and  
24 Front Street. The AOC will remove the structures to the level of the basement floors,  
25 stabilize all exposed erodible surfaces, and secure the site's perimeter.

26 Since the existing County Courthouse contains infrastructure connections between several  
27 County facilities, the AOC must provide replacement infrastructure for the affected County  
28 facilities. The AOC and County will design the replacement infrastructure as part of the  
29 AOC's future planning for demolition of the County Courthouse and Old Jail, and the AOC  
30 will provide the replacement infrastructure as part of the AOC's demolition activities.

31 Once the Superior Court relocates its operations from the Madge Bradley Building, Family  
32 Court, and portions of the Hall of Justice, the County or another party will occupy the

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7 Excavation assumptions: B1(Basement 1) = 44,444 CY; B2 (Basement 2) = 35,555 CY; B3 (Basement 3 – Optional) = 35,555 CY; Mat  
Slab @ 8 feet overall = 17,777 CY; Tunnel = 6,680 CY; Total = 140,001 CY

8 Assumption: 14,000 = 20' setback volume = B1's 46,000 CY – (160\*265\*20)

1 vacated space. When the Superior Court relocates from these facilities, the new occupants  
2 will utilize the building's existing parking spaces.

## 3 1.2 ENVIRONMENTAL IMPACT SUMMARY

4 This Environmental Impact Report (EIR) provides an assessment of significant or potentially  
5 significant effects resulting with implementation of the proposed Project for the following  
6 issues: Aesthetics and Visual Resources; Cultural and Historic Resources; Geology and Soils;  
7 Hazards and Hazardous Materials; and, Noise. Other issue areas considered include  
8 Agricultural Resources; Air Quality; Biological Resources; Land Use and Planning; Mineral  
9 Resources; Population and Housing; Public Services; Transportation and Circulation;  
10 Utilities and Service Systems; and, Water Quality and Hydrology. *Chapter 4.0, Environmental*  
11 *Effects*, of this EIR analyzes and discusses these issues in greater detail to determine the  
12 Project's potential effects. *Table 1-1, Environmental Impact Summary*, provides a summary of  
13 potential Project impacts and identifies the proposed mitigation measures to reduce such  
14 impacts.

## 15 1.3 SIGNIFICANT UNAVOIDABLE IMPACTS

16 Section 15126.2 (b) of the State CEQA Guidelines requires an EIR to "describe any  
17 significant impacts, including those which can be mitigated but not reduced to a level of  
18 insignificance. Where there are impacts that cannot be alleviated without imposing an  
19 alternative design, their implications and the reasons why the Project is being proposed,  
20 notwithstanding their effect, should be described."

21 Through preparation of the EIR, the AOC evaluated the Project against thresholds to  
22 determine whether Project implementation will result in significant impacts, if any  
23 mitigation proposed might reduce significant impacts to a level that might be less than  
24 significant, or if alternatives might reduce significant impacts. As a result of this process, the  
25 AOC identified construction-related noise impacts as the Project's only significant  
26 unavoidable impacts.

## 27 1.4 SUMMARY OF PROJECT ALTERNATIVES

28 The following provides a summary of proposed alternatives to the Project. *Chapter 5.0,*  
29 *Alternatives*, provides a detailed discussion of these alternatives for each issue. The AOC has  
30 designed Project alternatives to alleviate identified environmental impacts of the Project or  
31 address specifically requests for consideration that interested parties submitted during  
32 preparation of the EIR. *Chapter 5.0, Alternatives*, identifies the Reduced Project Alternative as  
33 the Environmentally Superior Alternative.

### 1.4.1 No Project Alternative

Under the No Project Alternative, the AOC will not implement the proposed San Diego New Central Courthouse Project, the tunnel to connect the new courthouse with the County's Central Jail, and the bridge over C Street to connect the new courthouse with the County's Hall of Justice. The AOC will not demolish the Stahlman Block's existing onsite buildings, and the surface parking lot will remain in its current operational state. Staff from the Superior Court from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice will continue to operate in their current buildings.

The AOC will not demolish the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse at any time in the future as part of the No Project Alternative. Since no demolition will take place, the AOC will not replace the County's existing chilled water supply to the Central Jail and Hall of Justice, which currently extends through the County Courthouse.

If no courtrooms are available and no additional space is provided for the consolidation of the Superior Court's Madge Bradley operations, the Family Law operations, and Kearney Mesa courtroom's operations, then the dispersed facilities will continue to hinder the Superior Court's efficiency and the public's access to judicial operations.

### 1.4.2 Reduced Project Alternative

The Reduced Project Alternative includes potential construction of approximately 600,000 building gross square feet for 69 courtrooms and improved facilities to enhance security and the efficiency of judicial operations. The facility will potentially use the same site as the Proposed Project.

The Reduced Project Alternative's design will provide approximately 600,000 gross square feet of space above grade (15 stories maximum) and three levels of parking and mechanical functions below grade (similar to that proposed with the Project). The overall building footprint will be similar to that of the proposed Project.

The square footage proposed with the Reduced Project Alternative is the same square footage that the County of San Diego proposed for the original design of the new courthouse in the January 1993 Program EIR prepared to analyze development of a new courthouse in the downtown area. Therefore, this square footage proposed for the Reduced Project Alternative represents a potential design alternative to the current Project design evaluated within this EIR. Under the Reduced Project Alternative, the new courthouse will contain up to 69 courtrooms and provide approximately 100 underground parking spaces

for judges and some Superior Court executives. To avoid security concerns, this alternative will not provide underground, unsecured parking for staff, jurors, or visitors.

### 1.4.3 Alternative Site Alternative

The specific site considered for the Alternate Site Alternative is one block to the north of the Project site. The site borders A Street on the north, B Street to the south, and State and Union Streets on the west and east, respectively. Except for the location, projected gross building square footage, height, and other Project characteristics will be the same as that of the Project. Similar to the Project site, the site for the Alternate Site Alternative is within close proximity (but not immediately adjacent to) to the Hall of Justice and other existing County buildings. The site is one block (approximately 400 feet) north of C Street and the existing San Diego Trolley line.

Existing uses on the alternate site are similar to those on the AOC's proposed Project site. The alternative site contains surface parking lots on approximately one-half of the site with single-story commercial buildings on the remainder of the property.

## 1.5 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Section 15123 of the CEQA Guidelines requires that an EIR contain a brief summary of the proposed actions and its consequences. Sections 15123(b)(2) and (3) also require that the EIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how, to mitigate significant adverse physical impacts.

The AOC has closely coordinated with City and County staff, affected downtown organizations (for example, Centre City Development Corporation), public service agencies (for example, City's Fire and Police Departments, County of San Diego Sheriff's Department, etc.), members of the Superior Court, and others potentially affected by the Project. The AOC has attempted to proactively and effectively consider potential issues of concern.

Based on available information and comments received from the public and other public agencies in response to the Notice of Preparation and the Public Scoping Meeting held May 18, 2010, the AOC has identified no areas of controversy for the Project.

**Table 1-1: Environmental Impact Summary**

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>1. AESTHETICS/VISUAL RESOURCES – Will the Project:</b>				
(Construction Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
(Post-Construction, Operation, and Maintenance Phase) Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
	Proposed Mitigation: (AES-1b) To prevent the new courthouse from generating high-velocity groundborne winds, the AOC shall include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians.			
Have a substantial adverse affect on a scenic vista?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially damage scenic resources?	Less than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial light or glare that will adversely affect day or nighttime views?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a new source of substantial shading?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>2. AGRICULTURAL RESOURCES – Will the Project:</b>				
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect
Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Effect	No Effect	No Effect	No Effect
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	No Effect	No Effect	No Effect	No Effect

**Table 1-1: Environmental Impact Summary, continued**

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>3. AIR QUALITY – Will the Project:</b>				
Obstruct implementation of the applicable air quality plan?	No Effect	No Effect	No Effect	No Effect
(Construction) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Construction) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
(Post-Construction, Operations, and Maintenance) Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Create objectionable odors affecting a substantial number of people?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
Conflict with an applicable plan, or policy, or regulation adopted to reduce the emissions of greenhouse gases?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
<b>4. BIOLOGICAL RESOURCES – Will the Project:</b>				
Have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	No Effect	No Effect	No Effect	No Effect
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means?	No Effect	No Effect	No Effect	No Effect
Result in potentially significant adverse effects to wildlife dispersal corridors?	No Effect	No Effect	No Effect	No Effect

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>5. CULTURAL AND HISTORIC RESOURCES – Will the Project:</b>				
Cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.05?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.05?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
	<p>Proposed Mitigation Measures:</p> <p>(CR-1) The AOC will require its developer to retain a qualified archaeologist who shall inform all excavation operations personnel of the Project's cultural resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize archaeological artifacts, features, or deposits. Personnel working on the Project will not collect archaeological resources. The qualified archaeologist will be present for pre-construction meetings and any Project-related excavations of the uppermost 15 feet of soils on the site when the AOC begins its construction operations. Prior to construction, the qualified archaeologist shall submit a cultural resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover cultural resources during excavation operations.</p> <p>If construction operation personnel discover buried cultural resources such as chipped or ground stone or building foundations during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting archaeologist can assess the significance of the find. The archaeologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation. The qualified archaeologist shall summarize the resources in a report prepared to current professional standards.</p>			
Disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No Effect	Less than Significant Impact	Less than Significant Impact
<b>6. GEOLOGY, SOILS, AND SEISMICITY – Will the Project:</b>				
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

**Table 1-1: Environmental Impact Summary, continued**

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>6. GEOLOGY, SOILS, AND SEISMICITY, Continued</b>				
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving ground failure (including subsidence or liquefaction-induced lateral spreading)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving expansive soils?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Directly or indirectly destroy a unique paleontological resource or site?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
<p>Proposed Mitigation Measures:</p> <p>(GEO-1) The AOC will require its developer to retain a qualified paleontologist who shall inform all construction excavation operations personnel of the Project's paleontological resource mitigation measures prior to any earth-disturbing activities and provide instruction to recognize paleontological artifacts, features, or deposits. Personnel working on the Project will not collect paleontological resources. The qualified paleontologist will be present for pre-construction meetings and any Project-related excavations in undisturbed marine sediments of the upper Pleistocene Bay Point Formation and/or middle Pleistocene "upper Broadway" and "lower Broadway" formations, as well as where over-excavation of any thin veneer of younger alluvial sediments with Pleistocene marine sediments in the subsurface. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain or yield fossil resources.</p> <p>Prior to construction, the qualified paleontologist shall submit a paleontological resources management plan to the AOC that outlines the procedures that the AOC and construction personnel will follow if personnel discover paleontological resources during excavation operations. Monitoring of excavation and trenching activities shall occur in areas that the qualified paleontologist or paleontological monitor determines are likely to yield paleontological resources.</p> <p>If construction operations personnel discover buried paleontological resources during ground-disturbing activities, excavation workers shall stop operations in that area and within 100 feet of the find until the consulting paleontologist can assess the significance of the find. The paleontologist will evaluate the discovery, determine its significance, and provide proper management recommendations. Management actions may include scientific analysis and professional museum curation.</p> <p>The qualified paleontologist shall summarize the resources in a report prepared to current professional standards.</p>				



Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>6. GEOLOGY, SOILS, AND SEISMICITY, Continued</b>				
Expose people or structures to substantial potential adverse effects, including the risk of loss, injury, or death involving landslides?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial soil erosion or the loss of topsoil?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in potentially significant adverse effect to unique geologic features?	No Impact	No Effect	No Impact	No Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	No Impact	No Effect	No Impact	No Impact
<b>7. HAZARDS AND HAZARDOUS MATERIALS – Will the Project:</b>				
Result in a safety hazard in the vicinity of an airport or private airstrip for people visiting or working in the Project area?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through the routine transport, use or dispose of hazardous materials?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release hazardous materials into the environment?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Less Than Significant Impact
	Proposed Mitigation Measures: (HAZ-1) Prior to grading or construction on the Project site, the AOC shall excavate the area approximately 20 feet west of Monitoring Well 1 evidence of an underground storage tank. If an underground storage tank is found, the AOC shall remove the tank under permit and inspection of the County of San Diego Department of Environmental Health, Underground Storage Tank Program.			
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

**Table 1-1: Environmental Impact Summary, continued**

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>7. HAZARDS AND HAZARDOUS MATERIALS, Continued</b>				
Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>8. LAND USE AND PLANNING – Will the Project:</b>				
Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Physically divide a community?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>9. MINERAL RESOURCES – Will the Project:</b>				
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	No Effect	No Effect	No Effect	No Effect
Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Effect	No Effect	No Effect	No Effect
<b>10. NOISE – Will the Project:</b>				
Cause a substantial permanent increase in ambient noise levels or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>10. NOISE, Continued</b>				
Produce a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	No Effect	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation	Potentially Significant Impact, but Less Than Significant After Adoption of Proposed Mitigation
	<p>Proposed Mitigation Measures:</p> <p>(NOI-1) Prior to site mobilization, the following shall be demonstrated to the AOC and noted on construction bid documents:</p> <p>All construction equipment shall have properly operating and maintained mufflers and other State-required noise attenuation devices;</p> <p>The AOC's construction contractor shall post notices, legible at a distance of 50 feet, at the Project construction site. All notices shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints;</p> <p>The AOC's construction contractor shall designate a Noise Disturbance Coordinator and make the coordinator responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall immediately determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint; and,</p> <p>Where feasible during construction, the construction contractor shall place stationary construction equipment in locations where the emitted noise is away from sensitive noise receivers.</p>			
Generate excessive ground-borne vibration or ground-borne noise levels?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Expose people residing or working in the Project area to excessive noise levels from a public airport, public use airport, or private airstrip?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>11. POPULATION AND HOUSING – Will the Project:</b>				
Potentially induce substantial growth either directly or indirectly?	No Effect	No Effect	No Effect	No Effect
Displace a potentially significant amount of existing housing, especially affordable housing?	No Effect	No Effect	No Effect	No Effect

Table 1-1: Environmental Impact Summary, continued

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>12. PUBLIC SERVICES – Will the Project:</b>				
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in substantial impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times, or other performance objectives for schools, parks, or other public facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>13. RECREATION – Will the Project:</b>				
Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Effect	No Effect	No Effect	No Effect
Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	No Effect	No Effect	No Effect	No Effect
<b>14. TRANSPORTATION AND CIRCULATION – Will the Project:</b>				
Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Exceed a level of service standard established by the county congestion management agency for designated roads or highways?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Produce a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	No Effect	No Effect	No Effect	No Effect
Substantially increase hazards because of a design feature (such as sharp curves or dangerous intersections) or incompatible uses?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Result in inadequate emergency access?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Cause a substantial shortage of parking spaces?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Conflict with adopted policies, plans, or programs supporting alternative transportation (such as bus turnouts, bicycle racks)?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact

Environmental Resource and Issue	Proposed Project	No Project Alternative	Reduced Project Alternative	Alternate Site Alternative
<b>15. UTILITIES AND SERVICE SYSTEMS</b>				
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new water or wastewater treatment facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Require the construction of new storm water drainage facilities or expansion of existing facilities?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the water provider that serves the Project area have sufficient water supplies available to serve the Project?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Will the wastewater treatment provider that serves the Project area determine that it has adequate capacity to serve the Project's projected demand?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Is there a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
<b>16. WATER QUALITY AND HYDROLOGY – Will the Project:</b>				
Violate any water quality standards or waste discharge requirements?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Create or contribute runoff water that will exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Less Than Significant Impact	No Effect	Less Than Significant Impact	Less Than Significant Impact
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level?	No Effect	No Effect	No Effect	No Effect
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation onsite or offsite, or result in flooding onsite or offsite?	No Effect	No Effect	No Effect	No Effect
Place housing within a 100-year flood hazard area, or place structures within a 100-year flood hazard area that will impede or redirect flood flows?	No Effect	No Effect	No Effect	No Effect
Expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, or involving inundation by seiche, tsunami, or mudflow?	No Effect	No Effect	No Effect	No Effect

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## 2.0 INTRODUCTION

The Trial Court Facilities Act of 2002 (Stats. 2002, Ch. 1082, Senate Bill 1732) as amended requires transfer of responsibility for the operation and funding of trial court facilities from California counties to the State's Judicial Council of California (the "Judicial Council"). The Administrative Office of the Courts (the "AOC"), the staff agency of the Judicial Council, is responsible for implementation of the Trial Court Facilities Act of 2002. Pursuant to the Trial Court Facilities Act of 2002, the County of San Diego (the "County") transferred responsibility for the County Courthouse and other adjacent property to the Judicial Council in 2009. To provide new facilities for the Superior Court of California, County of San Diego (the "Superior Court"), the AOC now proposes to construct the New San Diego Central Courthouse on the proposed Project site in downtown San Diego; refer to *Figure 3-1, Regional/Local Vicinity Map*; and, *Figure 3-2, Proposed Improvements*. The New San Diego Central Courthouse will replace the existing County Courthouse and two other nearby downtown Superior Court facilities.

## 2.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Draft Environmental Impact Report (EIR) identifies, evaluates, and discloses potential environmental impacts of the AOC's proposed New San Diego Central Courthouse Project (the "Project"). The EIR conforms with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.), California CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA. Under the provisions of CEQA, "the purpose of an environmental impact report is to identify the significant effect on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided" (PRC, Section 21002.1(a)).

For CEQA, a Lead Agency must prepare an EIR when substantial evidence indicates that a proposed project may result in a significant environmental impact. An EIR provides decision makers, public agencies, and the public with an objective and informational document that discloses potential environmental effects of a project. In addition, the EIR identifies potentially significant direct, indirect, and cumulative impacts of a project; potential project alternatives to reduce or avoid a project's significant effects; and, feasible mitigation measures that reduce a proposed project's significant effects. The EIR must identify environmental impacts that cannot be reduced to a less than significant level and, therefore, will remain significant even after mitigation measures are implemented.

1 The County initially issued a Notice of Preparation (SCH #2000021015) for a San Diego  
2 County Courthouse Replacement Project (the “2000 County Project”) in 2000 for the  
3 Superior Court. The purpose of the 2000 County Project was to enable site acquisition for  
4 future use of the property as a new location for a replacement courthouse facility. The  
5 County did not propose actual construction of a new courthouse, but recognized that  
6 construction would be required at some point in the future to provide new courthouse space  
7 in downtown San Diego.

8 Before and after the County initiated the 2000 County Project, the State began making major  
9 financial and structural changes to the Superior Court system. In 1997, the Lockyer-Isenberg  
10 Trial Court Funding Act (Stats. 1997, Ch. 850; Assembly Bill 233) made funding of court  
11 operations a State responsibility and provided the courts with their first statewide funding  
12 system. In 2001, the State’s Task Force on Court Facilities recommended that the State  
13 assume full maintenance and operational responsibility for all trial court facilities in the  
14 State, and the subsequent Trial Court Facilities Act of 2002 (Stats. 2002, Ch. 1082, Senate Bill  
15 1732) codified the State’s responsibility for court facilities and placed the responsibility with  
16 the Judicial Council of California and its staff agency, the AOC. In 2008, the California  
17 Legislature enacted provisions (and in 2009 amended) authorizing up to \$5 billion in bond  
18 funding for new and renovated court facilities using court user fees rather than the State’s  
19 general fund (Stats. 2008, Ch. 311, Senate Bill 1407, and Stats. 2009, Ch. 10, Senate Bill X2-12;  
20 hereafter referred to as “SB 1407”). The New San Diego Central Courthouse is one of 41 trial  
21 court construction projects initially authorized to proceed under SB 1407. This preliminary  
22 authorization and funding enables the AOC to proceed with feasibility studies and  
23 preliminary plans required as a prerequisite for the construction of a courthouse similar to  
24 the replacement courthouse that the County envisioned and initiated in 2000 with its 2000  
25 County Project.

26 Due to changes to State law described above regarding responsibility for construction,  
27 operation, and maintenance of all State trial court facilities, the Judicial Council has acquired  
28 the County-owned courthouse site, secured State authorization and funding for feasibility  
29 studies for a new courthouse, and secured related agreements between the Judicial Council  
30 and the County. In accordance with Government Code Section 70391 and CEQA (Public  
31 Resources Code Section 21000-21177), and pursuant to Section 15063 of Title 14 of the  
32 California Code of Regulations, the Judicial Council typically acts as the CEQA Lead  
33 Agency for courthouse projects. The Judicial Council has delegated its project approval  
34 authority to the Administrative Director of the Courts. Due to these actions, the AOC is now  
35 the Lead Agency for construction and operation of the proposed New San Diego Central  
36 Courthouse Project.



## 2.2 CEQA EIR PROCESS

This EIR provides evaluation of potential environmental impacts resulting from implementation of the proposed Project and assessment of a range of alternatives that may avoid or reduce potential environmental effects resulting from the proposed Project. The CEQA process for preparing the EIR includes:

- Initial Scoping - Determination of whether the Project requires an EIR or a Negative Declaration;
- Filing and Distribution of Notice of Preparation (May 4, 2010);
- Public Scoping Meeting (May 18, 2010);
- Preparation of the Draft EIR;
- Release of the Draft EIR for 45-Day Public Review and Comment;
- Draft EIR Public Hearing;
- Preparation of the Final EIR / Response to Comments on Draft EIR and Mitigation Monitoring Program;
- Distribution of Lead Agency's Responses to Comments received from Public Agencies; and,
- Lead Agency certification of the Final EIR and Approval or Denial of Project.

### 2.2.1 Notice of Preparation

As noted above, the County initially issued a Notice of Preparation (SCH #2000021015) for a San Diego County Courthouse Replacement Project (the "2000 County Project") in 2000 for the Superior Court. Pursuant to the provision of CEQA Guidelines Section 15063, the AOC completed an Expanded Notice of Preparation for the AOC's Project to identify potential environmental impacts. The Expanded Notice of Preparation included an updated Project description, exhibits, phasing information, anticipated permits/approvals, and an overview of the potential impacts for the EIR.

The AOC filed the Expanded Notice of Preparation with the State of California Office of Planning and Research on May 4, 2010 and distributed the Expanded Notice of Preparation to local agencies and potential interested parties; refer to Appendix A, *Expanded Notice of Preparation (NOP) / Public Responses Received*. The Expanded Notice of Preparation circulated from Tuesday, May 4, 2010 to Wednesday, June 2, 2010 to allow for public review and comment. The comment period closed on June 2, 2010, following the State-mandated 30-day Notice of Preparation public review period.

1 In addition, the AOC held a public scoping meeting on May 18, 2010 in downtown San  
2 Diego to discuss the Project and the CEQA process and to provide an opportunity for those  
3 interested to provide comments. Appendix A provides the public comments received on the  
4 Expanded Notice of Preparation and at the public scoping meeting.

### 5 2.2.2 Draft EIR

6 This EIR evaluates the potential for significant impacts to occur as the result of Project  
7 implementation and considers public and agency comments received on the NOP and  
8 comments received from the public during the scoping period. The EIR identifies potential  
9 impacts resulting from the Project and provides appropriate measures to mitigate  
10 potentially significant impacts. It also identifies those impacts that cannot be mitigated to  
11 levels less than significant, if any. In addition to CEQA-mandated discussions,  
12 environmental issues evaluated within the EIR include:

- 13     ▪ Aesthetics and Visual Resources;
- 14     ▪ Agricultural Resources;
- 15     ▪ Air Quality;
- 16     ▪ Biological Resources;
- 17     ▪ Cultural and Historic Resources;
- 18     ▪ Geology, Soils, and Seismicity;
- 19     ▪ Hazards and Hazardous Materials;
- 20     ▪ Land Use and Planning;
- 21     ▪ Minerals;
- 22     ▪ Noise;
- 23     ▪ Population and Housing;
- 24     ▪ Public Services;
- 25     ▪ Recreation;
- 26     ▪ Traffic and Circulation;
- 27     ▪ Utilities and Service Systems; and,
- 28     ▪ Water Quality and Hydrology.

29 The EIR provides significance criteria for evaluation of impacts, and it classifies the effects of  
30 the Project as either “less than significant” or “potentially significant.” It recommends

1 appropriate mitigation measures for potentially significant impacts, to avoid or lessen such  
2 impacts.

3 The AOC is filing this Draft EIR for the Project with the California State Clearinghouse and  
4 circulating the Draft EIR for review and comment by the public and interested agencies and  
5 organizations. During the public review period, interested parties may submit public  
6 comments and questions on the Draft EIR to the following contact person:

7 Mr. Jerome Ripperda  
8 Administrative Office of the Courts  
9 Office of Court Construction and Management  
10 2860 Gateway Oaks, Suite 400  
11 Sacramento, CA 95833-3509  
12 E-mail: Jerry.Ripperda@jud.ca.gov  
13 Phone: (916) 263-8865  
14 Fax: (916) 263-8140

15 In addition, the AOC will hold a public meeting in San Diego for discussion of the Draft  
16 EIR. The public will have the opportunity to submit oral and written comments on the Draft  
17 EIR during the meeting.

### 18 2.2.3 Final EIR and EIR Certification

19 The Final EIR allows the Lead Agency an opportunity to present revisions to the Draft EIR,  
20 comments submitted by interested parties, the Lead Agency's responses to comments, and  
21 other components of the EIR. The Final EIR serves as the environmental document to  
22 support the Lead Agency's decision on a project.

23 The Lead Agency may provide an opportunity for interested parties to review the Final EIR  
24 before approving a project, and in any case, shall provide written proposed responses to a  
25 public agency on comments made by that public agency 10 days prior to certifying the EIR.  
26 (14 California Code of Regulations Section 15088(b)). The AOC typically makes the Final EIR  
27 available to interested parties shortly after the Administrative Director of the Court's  
28 adoption of the Final EIR.

29 Before approving a project, CEQA Guidelines Section 15090 requires the Lead Agency to  
30 make the following three certifications:

- 31     ▪ The Final EIR has been completed in compliance with CEQA;
- 32     ▪ The Final EIR was presented to the decision-making body of the Lead Agency, and  
33         the decision-making body reviewed and considered the information in the Final EIR  
34         prior to approving a project; and,
- 35     ▪ The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, the AOC must make findings on the proposed Project's impacts and the adequacy of the mitigation measures proposed for the Project. If the Project results in significant impacts after implementation of all feasible mitigation measures, the decision-makers may approve the Project based on a "Statement of Overriding Considerations." This determination requires the decision-makers to provide a discussion of how the benefits of the Project outweigh identified unavoidable significant impacts. The CEQA Guidelines provide the following (Section 15093):

- CEQA requires that the decision-maker balance the benefits of a project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.

If the proposed Project results in significant unavoidable impacts, the AOC must indicate the reasons for which it elects to approve the Final EIR and include a Statement of Overriding Considerations in the administrative record of Project approval and the Notice of Determination (CEQA Guidelines Section 15093.c).

## 2.3 USE OF THE EIR

This Draft EIR enables the AOC, responsible agencies, and interested parties to evaluate the environmental impacts of the New San Diego Central Courthouse Project. The EIR provides environmental compliance for the Project, and the AOC will utilize the document to satisfy CEQA requirements for Project-related approvals and/or permits.

## 2.4 ORGANIZATION OF THE EIR

This Draft EIR has the following sections:

- *Section 1.0, Executive Summary*, provides a brief Project description and summary of the environmental impacts and mitigation measures.
- *Section 2.0, Introduction*, provides CEQA compliance information.
- *Section 3.0, Project Description*, provides a detailed Project description indicating Project location, background, and history; Project characteristics, phasing, and objectives; and any required associated discretionary actions.

- *Section 4.0, Environmental Effects*, contains a detailed environmental analysis of the existing conditions, Project impacts, and recommended mitigation measures, as applicable. The analysis of each environmental category in Section 4.0 includes:
  - “Environmental Setting” describes the physical conditions that exist at this time and that may influence or affect the issue under investigation.
  - “Analytical Framework” discusses the analytical methodology and regulatory background for each of the issue areas evaluated in the EIR.
  - “Standards of Significance” provides the thresholds that are the basis of conclusions of significance, for which the primary source is the AOC’s established thresholds of significance.
  - “Potential Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions that may occur if the AOC implements the Project, compares the magnitude of the projected impact to the relevant threshold of significance, and presents one of the following conclusions:
    - A designation of “no impact” indicates no adverse changes in the environment are expected.
    - A “less than significant impact” will not cause a substantial adverse change in the environment.
    - A “less than significant impact with mitigation incorporated” avoids a substantial adverse impact on the environment through adoption of mitigation.
    - A “significant and unavoidable impact” will cause a substantial adverse effect on the environment, and feasible mitigation measures are not available to reduce the impact to a less than significant level.
  - Per Section 15370 of CEQA, “Mitigation Measures” are those specific measures that may be required of the Project to:
    - Avoid a significant adverse impact altogether by not taking a certain action or parts of an action;
    - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
    - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
    - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or,

- Compensating for the impact by replacing or providing substitute resources or environments.
- If the Project results in significant unavoidable impacts, the AOC must indicate the reasons for which it elects to approve the Final EIR and include a Statement of Overriding Considerations in the administrative record of Project approval and the Notice of Determination (CEQA Guidelines Section 15093.c).
- *Section 5.0, Alternatives*, describes a reasonable range of alternatives to the Project or to the location of the Project that can feasibly attain the basic Project objectives.
- *Section 6.0, Other CEQA Considerations*, discusses significant and irreversible and significant and unavoidable environmental changes that will occur due to implementation of the proposed action; growth-inducing impacts; and, cumulative impacts of the Project.
- *Section 7.0, Literature Cited and Persons and Organizations Contacted*, identifies references and documentation used in preparing the EIR and Federal, State, or local agencies, other organizations, and individuals that the EIR's preparers consulted during preparation of the EIR.
- *Section 8.0, Report Preparation*, identifies the preparers of the EIR.

## 2.5 INCORPORATION BY REFERENCE

This EIR cites pertinent documents in accordance with CEQA Guidelines Section 15148, which encourages incorporation by reference to minimize redundancy and length of environmental reports. The following paragraphs provide a brief synopsis of the scope and content of each document that the EIR cites.

***City of San Diego General Plan - City of Villages, adopted March 10, 2008.*** The *General Plan* is a policy document designed to give long-range guidance for decision-making affecting the future character of the City of San Diego ("City"). It represents the official statement of the community's physical development as well as its economic, social, and environmental goals. The *General Plan* contains the following elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and, Historic Preservation. The Housing Element is provided under separate cover. This EIR utilizes the *General Plan* as the City's fundamental planning document governing the City's development of the General Plan's project area. Several sections of the EIR cite background information and policy information from the *General Plan*.

1 *City of San Diego General Plan Program Final Environmental Impact Report (FEIR),*  
2 *certified September 2007 (the “General Plan”).* The *General Plan Program FEIR* provides basic  
3 analysis of the potentially significant effects on the human and natural environment that  
4 may occur with buildout of the General Plan. The General Plan's implementation program  
5 incorporates mitigation measures; however, project-specific impacts will be assessed at the  
6 application stage. The City's Municipal Code provides the regulations that must be followed  
7 by all City-approved projects within the City's jurisdictional area. The Municipal Code  
8 establishes land use districts with specific district-related regulations, such as density,  
9 structure, height and size, and development character. The Ordinance consists of two  
10 primary parts: (1) a map that delineates the boundaries of the zoning districts; and (2) text  
11 that explains the purpose of the districts, specifies permitted and conditional uses, and  
12 establishes development and performance standards. This EIR utilizes information within  
13 the Municipal Code in various sections of this EIR to identify additional constraints and  
14 requirements that govern City-approved development. The Municipal Code contains  
15 Chapter 15, Planned Districts, Article 6, Division 3: The Centre City Planned District  
16 Ordinance applies to the area that includes the AOC's proposed Project site.

17 *Redevelopment Plan for the Centre City Redevelopment Project, adopted May 11, 1992.*  
18 *Last Amended September 4, 2007.* The Centre City Development Corporation's  
19 Redevelopment Plan provides guidelines for future development within the City's Centre  
20 City area which includes the area south and west of I-5, generally south of Laurel Street; east  
21 and north of San Diego Bay; and, west of 17<sup>th</sup> Street. The Redevelopment Plan addresses  
22 permitted land uses and planning considerations, proposed redevelopment activities, and  
23 methods of financing projects within the area.

24 *Environmental Impact Report for San Diego Court / Office Building Expansion, certified*  
25 *January 11, 1993 (the “1993 County EIR”).* The County prepared an EIR in 1993 to evaluate  
26 three potential sites for locating additional space for the Superior Court and office functions  
27 in downtown San Diego. The County identified three alternative sites and evaluated  
28 potential environmental impacts that would occur with development of each site. The three  
29 sites included the Bentall site (bounded by Broadway and C Street between State Street and  
30 Union Street); the Lankford site (the same site as the AOC's proposed Project site); and the  
31 County-owned site (bounded by B and C Streets between Front and First Street). The project  
32 intended to accommodate 16 Superior Courts, Superior Court Administration, the District  
33 Attorney, Grand Jury, and Adult Probation, and potentially, to house private sector tenants  
34 and retail uses. Significant environmental impacts identified for the Lankford site included  
35 Land Use/Community Character; Urban Design/Visual Issues; Public Utilities/Emergency  
36 Services; Transportation; Air Quality; Historic Resources; Hazardous Materials; and,  
37 Geology/Soils.

1 *City of San Diego Downtown Community Plan, Adopted March 2006.* In 2006, the Centre  
2 City Development Corporation adopted the Downtown Community Plan which is intended  
3 to guide “development of a magnificent, vital urban setting. It seeks to ensure that intense  
4 development is complemented with livability through strategies such as the development of  
5 new parks and Neighborhood Centers, and emphasis on the public realm. Downtown will  
6 contain a lively mix of uses in an array of unique neighborhoods, a refurbished waterfront,  
7 and a walkable system of streets, taking full advantage of its climate and setting.” The  
8 Downtown Community Plan identifies Guiding Principles that “express a vision for  
9 downtown and its emergence as a major center “Rising on the Pacific,” together creating the  
10 overarching goals that the Plan strives to achieve. The Principles are the target for the  
11 future, and provide the platform for the detailed policies of the Plan and implementing  
12 ordinances. They have been shaped by input from community members and stakeholders,  
13 research into overall existing conditions and opportunities, enduring historical and cultural  
14 attributes, and specific issues such as economic and market conditions.” The Downtown  
15 Community Plan is consistent with the Strategic Framework Element of the City’s General  
16 Plan, accommodating in an urban environment a significant portion of the growth expected  
17 in the San Diego region over upcoming years.

#### 18 **Other Relevant Plans and Policies**

19 Other plans and policies relevant to the AOC’s proposed Project area include:

- 20     ▪ San Diego County Air Pollution Control District’s Regional Air Quality Strategy  
21         Revision, 2009
- 22     ▪ Regional Transportation Improvement Program for San Diego Association of  
23         Governments, 2004
- 24     ▪ Centre City Streetscape Manual, 2003
- 25     ▪ Centre City Planned District Ordinance, Municipal Code: Chapter 15, Article 6:  
26         Planned Districts, Division 3: The Centre City Planned District, Sections 156.0301 –  
27         156.0315 (as amended October 18, 2007)
- 28     ▪ Final Environmental Impact Report for the Proposed San Diego Downtown  
29         Community Plan, Centre City Planned District Ordinance, and 10th Amendment to  
30         the Redevelopment Plan for the Centre City Redevelopment Project, Certified  
31         January 2006. Amended 2007.



## 3.0 PROJECT DESCRIPTION

### 3.1 OVERVIEW

The AOC proposes to demolish several existing buildings and remove existing parking facilities; construct a new courthouse facility; consolidate the Superior Court's operations from other facilities including the Madge Bradley Building, Family Court, portions of the Kearny Mesa Facility, and portions of the County's Hall of Justice; and operate the new facility to serve the Superior Court. The new facility will include a tunnel to connect the new courthouse with the County's Central Jail and will include a bridge over C Street to connect the new courthouse with the County's Hall of Justice.

Construction of the New Central San Diego Courthouse will require approximately 28 months. The AOC plans to begin construction of the new courthouse in mid-2014 and complete construction in 2016. The AOC anticipates that the Superior Court will begin operations in the new building in late 2016.

In addition, the Project includes demolition sometime in the future of the existing County Courthouse, Old Jail, and bridges that extend from the County's Jail to the County Courthouse and from the Hall of Justice to the County Courthouse; however, the AOC does not currently have funding to demolish the structures. Since the County's chilled water supply to the Central Jail and Hall of Justice extends through the County Courthouse, the AOC's demolition activities will replace the chilled water supply to the Central Jail and Hall of Justice.

### 3.2 PURPOSE AND OBJECTIVES OF THE PROJECT

The purpose of the Project is to provide a new trial court facility that meets the needs of the Superior Court's downtown San Diego County operations.

The AOC's objectives for the New San Diego Central Courthouse Project are:

- Provide the Superior Court with a new courthouse with improved facilities with sufficient size, as much as approximately 750,000 building gross square feet ("BGSF") for 71 courtrooms, to accommodate current and future needs of judicial operations in downtown San Diego and enhance security and the efficiency of judicial operations;
- Improve public access to judicial facilities;
- Provide consolidated space for the Superior Court's staff and operations;

- Preserve or improve the efficient interactions of the Superior Court, the District Attorney, and San Diego Sheriff by linking the County's Central Jail and the Hall of Justice with the new courthouse; and,
- Remove judicial facilities that lack adequate seismic safety, security, and public access.

The AOC initially prepared an in-depth analysis, the *Budget Package<sup>1</sup> for the Superior Court of California – County of San Diego New San Diego Central Courthouse* (September 2009), to assess the anticipated development and operational needs required to adequately support future Superior Court operations. The Budget Study identifies space programming objectives and needs for facilities. A project design that does not provide for the anticipated programming needs will therefore likely not be adequate to support court requirements. The AOC formulated the Project's objectives to reflect the Superior Court's anticipated programming needs for the facilities.

### 3.3 PROJECT LOCATION

The Project site is located in downtown San Diego, which is a highly urbanized environment; refer to *Figure 3-1, Regional/Local Vicinity Map*. The City lies approximately 120 miles south of the City of Los Angeles and approximately 20 miles north of the U.S. border with Mexico. To the west and south of the City lies the Pacific Ocean.

The proposed Project site for the new courthouse includes County Assessor parcels 533-483-01 through 533-483-09, and the Judicial Council owns the parcels. The Project site is located within the U.S. Geological Survey's 7.5-minute San Diego topographic quadrangle. Interstate 5 (I-5), the San Diego Freeway, is roughly 0.5 miles north and approximately 1.0 miles east of the Project site.

The Project will construct a new courthouse and relocate staff from several existing facilities in the downtown San Diego area. Refer to *Figure 3-2, Proposed Improvements*; *Figure 3-3, Project Site*; and, *Figure 3-4, Existing Civic Uses in Project Area*. The affected facilities are:

- Proposed New San Diego Central Courthouse site — The proposed courthouse facility's site is a one-block parcel bounded by B Street on the north, Union Street on the east, C Street on the south, and State Street on the west; refer to *Figure 3-1, Regional/Local Vicinity Map*. This site is relatively flat with a slight uphill gradient to the northeast. Three buildings, which have approximately 46,000 BGSF, occupy the northeast portion of the site and face Union Street. A paved parking lot occupies the remainder of the lot.

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<sup>1</sup> Available at: [http://www.courtinfo.ca.gov/programs/occm/documents/sandiego\\_budgetpackage.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/sandiego_budgetpackage.pdf)

- Existing County Courthouse — The State acquired the existing courthouse from the County in 2009 under the provisions of Senate Bill 1732. The building is at 220 West Broadway. The County Courthouse extends northward from Broadway to the block north of B Street with multi-level bridges over C and B Streets. The County Courthouse shares the center block with the former County Jail (Old Jail); refer to *Figure 3-2, Proposed Improvements*.

The existing courthouse is approximately 503,000 BGSF in size, varies in height from seven to three stories tall with a mezzanine and one basement, and occupies approximately 2.25 City blocks with an area of approximately three acres. The Superior Court occupies approximately 383,000 BGSF<sup>2</sup> of space within the building. The County's Child Support Services and Health and Human Services occupy approximately 88,000 BGSF of space in the building. The facility has approximately 40 surface parking spaces.

The building has a concrete and steel frame. The southern end of the building facing Broadway has a civic presence and monumentality appropriate for a large-scale public building entrance. The remainder of the building has a utilitarian design.

- Hall of Justice — This County-owned building is on Broadway Street and extends from Union Street west to State Street. The facility supports the District Attorney, Grand Jury, Adult Probation Department, and 16 civil court courtrooms of the Superior Court. The structure is 13 stories in height and approximately 379,000 BGSF in size and includes an enclosed bridge that connects to the County Courthouse. The facility has 517 parking spaces provided by three levels of underground parking for County and Superior Court employees and a gated surface parking lot on the north side of the building for County staff.
- Madge Bradley Building — This County-owned facility is at 1409 Fourth Avenue, at the northeast corner of Ash Street and Fourth Avenue. The building is approximately 33,000 BGSF in size and six stories in height. The building provides space for four courtrooms and associated operational areas. The facility includes 31 parking spaces located on the first and second floors for use by staff of the Superior Court and County Sheriff's Department.

<sup>2</sup> The Superior Court occupies approximately 243,000 usable square feet of space within the building, the County's Child Support Services and Health and Human Services occupy approximately 56,000 square feet of useable space in the building, and the Sheriff's Department occupies approximately 20,000 square feet of useable space; these uses total 319,000 useable square feet. BGSF includes common areas in a building, such as lobby space, restrooms, and building support space. The AOC calculated each use's percentage of the total useable square feet and multiplied each use's percentage by 503,000 BGSF to determine each use's BGSF.

- Family Law Court — This County-owned facility is at 1501-1555 Sixth Avenue. The facility extends from Beech Street northward to Cedar Street. The structure is approximately 43,000 BGSF in size and consists of two separate buildings that are linked together by a stairwell and hallway. The site slopes north to south, which creates nearly a full story height change from Cedar Street to Beech Street. The building ranges in height from two to three stories and provides space for six courtrooms and associated operational areas. The facility has approximately 60 parking spaces located on top of the building for staff of the Superior Court; however, the Superior Court has limited use of this parking due to structural concerns for the south rooftop parking area. Vehicular access to the facility is from Cedar Street to the rooftop parking above the northern portion of the facility.
- Old Jail — This AOC-owned 8-story building houses jail cellblocks and other operations associated with the detention facility. The County leases the facility, which has approximately 134,000 BGSF, from the Judicial Council and sub-leases operation of the facility to a private vendor for detention operations that are unrelated to the Superior Court or Central Jail.

## 3.4 PROJECT COMPONENTS

### 3.4.1 Proposed Courthouse Facility

The Project will construct a courthouse building with approximately 20 stories and three basement levels. To date, the AOC has developed only a preliminary site plan for the Project; however, the AOC expects that the building will be as much as approximately 400 feet in height with approximately 750,000 BGSF. The main public entrance to the new courthouse will be on C Street, Union Street, or the intersection of C Street/Union Street.

The new courthouse will include 71 courtrooms with associated judicial chambers and operational areas. The new courthouse will support felony and misdemeanor judicial activities and other judicial activities that may include civil, probate, and family law functions. To maximize functional flexibility, all of the courtrooms will have holding capability for in-custody detainees and space for juries. The facility's lowest floors will provide an entrance, security screening facilities, and lobby on the first floor; additional public areas, support offices, and high volume courtrooms on the lower floors; and, other courtrooms and judicial facilities on the upper floors. The building will also provide space for administrative and staff offices, juror assembly area, and building support space. To

1 promote security inside the new courthouse, the building will provide separate corridors  
2 and elevators for movement of in-custody detainees, judicial staff, and visitors.

3 To improve operational efficiency, the Project will include construction of a bridge over C  
4 Street to connect the new facility to the Hall of Justice. The AOC presumes that the bridge  
5 will be constructed approximately 45 feet above the street and approximately 20 feet wide,  
6 16 feet high, and 150 feet long.

7 Pedestrian access to the courthouse will occur from Union Street and from C Street; refer to  
8 *Figure 3-5, Proposed Site Access*. Visitors will enter into the lobby area and will be screened  
9 for security purposes, prior to entering the main courthouse facilities.

10 The building's upper basement level will include in-custody detainee handling facilities that  
11 will connect via a tunnel to the County's Central Jail, which is located approximately 325  
12 feet east of the proposed courthouse site. There will also be building support space in the  
13 basement for mechanical equipment and building operational support needs. A lower  
14 basement level will provide approximately 115 secured parking spaces for judicial officers  
15 and judicial executives and may also provide additional building support areas; refer to  
16 *Figure 3-5, Proposed Site Access*, which shows the location of the secure parking/sally port  
17 entry.

18 After completion of the new courthouse, the Superior Court will relocate existing staff and  
19 operations from the County Courthouse, portions of the Hall of Justice, Madge Bradley  
20 Building, Family Court, and portions of the Kearny Mesa Facility into the new courthouse.  
21 The Superior Court will continue to use its existing space in the Hall of Justice, but will  
22 abandon its space in the County Courthouse, Madge Bradley Building, and Family Court.  
23 The proposed new courthouse will add two new courtrooms and will transfer the staff and  
24 operations of a small claims courtroom from the Kearny Mesa Facility to the proposed new  
25 courthouse. For the Superior Court's downtown San Diego operations, the Project will  
26 increase juror population by and estimated 28 persons per day and visitor population by  
27 approximately 2.9 percent per day.<sup>3</sup>

### 28 3.4.2 Parking

29 The Project's proposed courthouse site currently provides approximately 170 public surface  
30 parking spaces that a private party manages. In addition, approximately ten on-street  
31 parking spaces are located adjacent to the eastern side of the Project site along the western  
32 side of Union Street. The County Courthouse provides approximately 44 parking spaces

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<sup>3</sup> The existing Superior Court currently has a total of 69 existing courtrooms in the downtown San Diego area housed in the County Courthouse, Hall of Justice, and Family Court. The 71 courtrooms proposed with the Project represent a 2.9-percent increase from the existing 69 courtrooms. One jury is composed of 14 jurors (12 jurors and two alternates). The juror population will therefore increase by an estimated 28 people per day over the Superior Court's existing juror population.

1 primarily for County staff, and there are an additional 89 parking spaces for judicial officers,  
2 some Superior Court staff, and County staff on the County-owned block between B Street,  
3 Union Street, A Street, and Front Street.

4 The Project will eliminate all public parking spaces on the proposed courthouse site and will  
5 eliminate all non-public parking spaces in the area between B Street, Front Street, Broadway,  
6 and Union Street. Since the Project will reserve adjacent on-street parking spaces for use by  
7 public law enforcement vehicles, the Project will also eliminate the on-street public parking  
8 spaces presently located along the western side of Union Street. The Project will provide  
9 approximately 115 secured parking spaces for judicial officers and Superior Court  
10 executives, but all other staff and visitors will park in offsite locations. *Figure 3-5, Proposed*  
11 *Site Access*, shows the location of the entrance to the proposed secure parking/sally port  
12 (secured) entry area.

13 Regional Transit System buses currently park in on-street parking spaces on the eastern side  
14 of Front Street and south side of B Street that are adjacent to the Project site. As the Project's  
15 security measures will limit all adjacent on-street parking spaces to use by law enforcement  
16 vehicles, the Project will eliminate the Regional Transit System's on-street bus waiting  
17 spaces.

### 18 3.4.3 Real Estate-Related Actions

19 The Judicial Council already owns the parcels for the new courthouse site and the buildings  
20 on the parcels. The AOC will terminate leases for the parcels and their improvements.

21 The AOC will work with the City and County to determine and document what real  
22 property rights and interests the AOC may need to construct and operate a pedestrian  
23 tunnel to connect the new courthouse to the Central Jail. After completion of the tunnel, the  
24 AOC will transfer title to the tunnel and all related real property rights to the County to  
25 complete an existing obligation created by the 2009 agreement between the County and the  
26 AOC for the AOC's acquisition of the County Courthouse and other properties. The AOC  
27 will also work with the County to acquire necessary easements or other property rights  
28 from the County to construct and operate the portions of the tunnel that will be located on  
29 or under the County's property.

30 As stated previously, the Project will include construction of a bridge over C Street to  
31 connect the new courthouse to the Hall of Justice. The AOC will work with the City to  
32 determine and document what real property rights and interests the AOC will need to  
33 procure to construct and operate the bridge over C Street. The AOC will also work with the  
34 County to acquire necessary easements or other property rights from the County to

construct and operate the portions of the bridge that will be located on or over the County's property.

As previously noted, at some point in the future, the AOC intends to dispose of the existing County Courthouse and Old Jail parcels; however, at this time, the AOC has not made and is not making any disposition arrangements. When the AOC develops proposals for disposition of these properties, the AOC will prepare additional, necessary, and appropriate CEQA documentation for the disposition activities.

#### 3.4.4 Project Design Considerations

The Project will construct an approximately 20-story building with three basement levels, and the building's height will be as much as approximately 400 feet tall. In addition, the Project will construct a tunnel between the new courthouse and the County's Central Jail. The Project will also construct a bridge over C Street between the new courthouse and the County's Hall of Justice. The AOC will operate the proposed new facility for the Superior Court. After completion of the new courthouse, the AOC will demolish the existing County Courthouse and Old Jail; refer to *Figure 3-2, Proposed Improvements*.

The AOC's proposed courthouse design will conform to the requirements of the California Trial Court Facilities Standards<sup>4</sup> including Design Excellence Principles. The AOC adapted these principles from the Guiding Principles for Federal Architecture<sup>5</sup> by Daniel Patrick Moynihan, Hon. AIA (American Institute of Architects) and on the Excellence in Public Buildings Initiative, by Stephan Castellanos, FAIA (Fellow, American Institute of Architects), and former State Architect of California. These principles include the following:

- Court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system;
- Court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;
- Court buildings shall represent the best in architectural planning, design, and contemporary thought and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice;
- Court buildings shall be economical to build, operate, and maintain;

<sup>4</sup> Judicial Council of California. 2006. California Trial Court Facilities Standards. 226 p. Available at: [http://www.courtinfo.ca.gov/programs/occm/documents/06\\_April\\_Facilities\\_Standards-Final-Online.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf).

<sup>5</sup> Available at: [http://www.tpub.com/content/gsa/criteria/design\\_excellence\\_pp/design\\_excellence\\_pp0011.htm](http://www.tpub.com/content/gsa/criteria/design_excellence_pp/design_excellence_pp0011.htm).

- 1       ▪ Court buildings shall provide a healthy, safe, and accessible environment for all
- 2       occupants; and,
- 3       ▪ Court buildings shall be designed and constructed using proven best practices
- 4       and technology with careful use of natural resources.

5 Since the AOC is the Project's Lead Agency and is acting for the State of California on behalf  
6 of the Judicial Council of California, local land use planning and zoning regulations do not  
7 apply to the proposed courthouse Project; however, the AOC intends to continue to consult  
8 with local government representatives to provide a courthouse that is consistent with the  
9 quality of the local architectural environment.

10 The AOC will apply the codes and standards of the California Building Code<sup>6</sup> (edition in  
11 effect as of the commencement of schematic design phase of the Project); California Code of  
12 Regulations, Title 24; California Energy Code, Americans with Disabilities Act; American  
13 Disability Act Accessibility Guidelines<sup>7</sup>; and Division of the State Architect's Access  
14 Checklist.<sup>8</sup> The Project will implement sustainable elements throughout its design,  
15 operation, and maintenance. The AOC's design will incorporate features that conform to  
16 standards of a Leadership in Energy and Environmental Design (LEED) silver-certified  
17 building, and the building's design will include features to reduce energy consumption by  
18 at least 15% from that achieved through compliance with the California Building Code. The  
19 LEED Rating System for New Construction includes criteria for features related to  
20 sustainability, water efficiency, energy and atmosphere, materials and resources, indoor  
21 environmental quality, and innovation and design processes.

22 The AOC's preparations for Project implementation presume that all parties responsible for  
23 constructing and operating the Project will comply with standard conditions and  
24 requirements of applicable Federal, State, or local regulations or laws that are independent  
25 of CEQA compliance. The standard conditions and requirements serve to prevent specific  
26 impacts. Typical standard conditions and requirements include compliance with the  
27 provisions of the National Pollutant Discharge Elimination System (NPDES) permit system  
28 and San Diego Air Pollution Control District's Rules and permitting requirements.

29 The Project will include specific design elements that the AOC has incorporated into the  
30 Project's construction and operation to prevent the occurrence of potential adverse  
31 environmental effects or to reduce the significance of potential environmental effects. The  
32 Project design features are actions that conform to the California Trial Court Facilities  
33 Standards' design requirements. For example, the AOC presumes that the parties  
34 implementing the Project will use best management practices (BMPs) and technologies

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6 California Building Code. 2008. Building Standards Commission. Available at: <http://www.bsc.ca.gov/default.htm>.

7 Available at: <http://www.access-board.gov/adaag/html/adaag.htm>

8 Available at: [http://www.documents.dgs.ca.gov/dsa/pubs/checklists\\_rev\\_08-01-09.pdf](http://www.documents.dgs.ca.gov/dsa/pubs/checklists_rev_08-01-09.pdf)



1 aimed at limiting the use of natural resources and reducing the Project's operating cost over  
2 the life of the building.

3 Prior to the start of construction, the AOC will prepare a new geotechnical report and utilize  
4 the report's recommendations to prepare design criteria that will ensure that the Project's  
5 design meets requirements of the California Building Code with regard to geological,  
6 seismic, and soil issues.

### 7 3.4.5 Related Facilities and Actions

8 The Project also proposes improvements in the area surrounding the Project site. To  
9 improve pedestrian safety at the intersections of Union Street and Front Street with B Street  
10 and C Street, the AOC will add pedestrian corner-crossing enhancements.

### 11 3.4.6 Construction Scenario

12 The Project will remove the existing structures, surface parking facilities, utilities, and other  
13 structures; construct a new courthouse facility; relocate utilities in the area surrounding the  
14 proposed courthouse site; and, construct a tunnel to connect the new courthouse with the  
15 County's Central Jail. In addition, the AOC will construct a bridge over C Street to connect  
16 the Hall of Justice and the new courthouse. The Project will not construct any additional  
17 public parking facilities.

18 The Project includes demolition of the existing County Courthouse, Old Jail, and bridges  
19 that extend from the County's Jail to the County Courthouse and from the Hall of Justice to  
20 the County Courthouse; however, since the AOC does not currently have funding for the  
21 intended demolition, such activities will occur at an unknown date in the future. When  
22 demolition activities occur, the AOC will replace the existing chilled water supply and  
23 related connections that currently extend from the County's Central Plant through the  
24 County Courthouse to other County facilities to ensure continued service.

25 Construction of the proposed courthouse building will begin with closure of the on-site  
26 parking facility, termination of leases for the on-site buildings and closure of the buildings,  
27 and installation of perimeter fencing and sound barriers around the periphery of the  
28 proposed courthouse site. Construction personnel will require limited off-site construction  
29 staging areas due to the proposed Project design and on-site constraints for available land  
30 not affected by excavation and construction activities. The AOC has coordinated with  
31 surrounding parking vendors to secure adjacent facilities for minimal tool and laydown  
32 areas. The AOC anticipates that this need may be satisfied by an approximately 150-foot by  
33 150-foot area (0.5 acre) at the parking lot located at the northwest corner of Union Street and  
34 B Street. The AOC will minimize use of such off-site areas; however, they are necessary to

1 accommodate the trade tool needs on a daily basis. Construction workers will likely park in  
2 nearby off-site parking areas. When possible, workers will carpool to the Project site and  
3 will report to a designated on-site staging area.

4 Construction activities will include excavation, grading, framing, paving, and coating.  
5 Construction of the New San Diego Central Courthouse will take as much as approximately  
6 28 months from mid-2014 to 2016. *Table 3.4-1: Project Construction Activities* provides a  
7 description of the proposed construction activities and an estimate of the duration of  
8 anticipated individual construction activities. Some individual construction activities may  
9 overlap. Construction of a tunnel to connect the New San Diego Central Courthouse with  
10 the County's Central Jail and the bridge to connect to the Hall of Justice will coincide with  
11 construction of the new courthouse. Tunneling operations will require temporary closure of  
12 portions of Front Street.

13 The Project's construction operators will implement BMPs and other measures throughout  
14 the construction phase to avoid or minimize potential impacts. These BMPs and other  
15 measures will include:

16       ▪ General Measures

- 17           1. Designate a Project contact person to communicate with the San  
18           Diego community and interested stakeholders regarding construction  
19           activities;
- 20           2. Inform the San Diego community and interested stakeholders  
21           through the use of a monthly newsletter or website that identifies the  
22           construction schedule and upcoming construction activities;

23       ▪ Storm Water, Water Quality, and Soil Erosion Management Measures

- 24           1. Prior to the start of construction activities, the AOC will ensure that  
25           the construction contractor prepares a Storm Water Pollution  
26           Prevention Plan and secures the Regional Water Quality Control  
27           Board's approval of the plan;
- 28           2. The AOC will ensure that the construction contractor implements the  
29           Regional Water Quality Control Board's approved Storm Water  
30           Pollution Prevention Plan;
- 31           3. For the construction during the rainy season, the construction  
32           contractor will implement erosion measures that may include  
33           mulching, geotextiles and mats, earth dikes and drainage swales,  
34           temporary drains, silt fence, straw bale barriers, sandbag barriers,  
35           brush or rock filters, sediment traps, velocity dissipation devices, or  
36           other measures;

1       ▪ Air Quality Management Measures

- 2           1. Unless weather conditions make dust generation unlikely, apply  
3           water or a stabilizing agent to exposed soil surfaces in sufficient  
4           quantity at least two times a day to prevent generation of dust  
5           plumes;
- 6           2. Moisten or cover excavated soil piles to avoid fugitive dust emissions;
- 7           3. Discontinue construction activities that that generate substantial  
8           blowing dust on unpaved surfaces during windy conditions;
- 9           4. Install and use a system to remove bulk material from tires and  
10          vehicle undercarriages before vehicles exit the Project site;
- 11          5. Cover dump trucks hauling soil, sand, and other loose materials with  
12          tarps or other enclosures that will reduce fugitive dust emissions;
- 13          6. Ensure that all construction and grading equipment is properly  
14          maintained;
- 15          7. Ensure that construction personnel will turn off equipment when  
16          equipment is not in use;
- 17          8. Ensure that all vehicles and compressors will utilize exhaust mufflers  
18          and engine enclosure covers (as designed by the manufacturer) at all  
19          times;
- 20          9. When feasible, construction operations will use electric construction  
21          power instead of diesel-powered generators to provide adequate  
22          power for man/material hoisting, crane, and general construction  
23          operations;
- 24          10. Suspend heavy-equipment operations during first-stage and second-  
25          stage smog alerts;

26       ▪ Noise and Vibration Measures

- 27           1. Equip construction equipment with the best available noise  
28           attenuation device such as mufflers or noise attenuation shields;
- 29           2. Install plywood sound barriers (or noise attenuation blankets or other  
30           appropriate measures) around the perimeter of the Project site;
- 31           3. Designate a “noise coordinator” for the Project to meet with interested  
32           stakeholders and respond to complaints concerning construction  
33           noise; and,

4. When feasible, use electric construction power in lieu of diesel powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

Although the AOC does not yet have specific engineering design information for the Project, the AOC estimates that Project will require excavation of approximately 140,000 cubic yards<sup>9</sup> of soil materials, and excavation operations at the site will export all of the material to an off-site location for proper disposal. During the later stages of construction, the Project will import and replace approximately 14,000<sup>10</sup> cubic yards of material.

Table 3.4-1: Project Construction Activities

Construction Phase	Construction Activity	Projected Duration (Months)	Notes
Mobilization	Prepare for construction	0.5	
Demolition	Remove on-site buildings, pavement, utilities, and debris	1.25	
Mass grading & excavation	Excavate basement	3 (double shifts)	The upper basement will occupy approximately 60,000 gross square feet; the two lower basements will occupy approximately 40,000 gross square feet. Excavation volume will be 135,000 CY assuming 14 CY/load and 400 loads per double shift day.
	Excavate tunnel	1	Excavation volume will total approximately 6,800 CY at 14 CY/load. Tunnel work will commence during the last month of basement excavation.
	Construct foundation	2	
Trenching	Relocate utilities	2	
Building construction	Assemble frame and floors	5	
	Install exterior and roof	4	
	Finish interior	12	

<sup>9</sup> Excavation assumptions: B1(Basement 1) = 44,444 CY; B2 (Basement 2) = 35,555 CY; B3 (Basement 3 – Optional) = 35,555 CY; Mat Slab @ 8 feet overall = 17,777 CY; Tunnel = 6,680 CY; Total = 140,001 CY

<sup>10</sup> Assumption: 14,000 = 20' setback volume = B1's 46,000 CY – (160\*265\*20)

Table 3.4-1: Project Construction Activities, continued

Construction Phase	Construction Activity	Projected Duration (Months)	Notes
	Install tunnel exterior, finish interior, and provide appropriate access to County Jail	3	
Coatings	Apply exterior coating	2	Spray paint and apply water sealants with brushes
	Apply interior coating	4	Spray paint and coatings
Paving	Install drives, sidewalks, plazas, and other structures	1	Includes concrete installation but no asphalt use
Fine grading	Grade and contour site	1	AOC estimates grading area will cover approximately 0.4 acres <sup>11</sup>
Finish	Complete Inspections, testing, clean-up, and other activities	2	
Mobilization for demolition of County Courthouse, Old Jail, and bridges	Preparations for construction	0.5	Future work
Demolition of County Courthouse, Old Jail, and associated bridges	Remove buildings, pavement, utilities, and other debris	3	Future work: The AOC estimates that debris volume of the structures will be approximately 175,000 <sup>12</sup> cubic yards.
Trenching	Relocate utilities	4	Future work
Installation of new machinery for buildings' chilled water system	Install necessary components	2	Future work
Finish	Complete inspections, testing, clean-up, and other activities	1	Future work

CY - cubic yards, AC – acre, SF – square feet

- 1 Construction will typically commence no earlier than 7:00 a.m. and will typically cease no
- 2 later than 5:00 p.m. on weekdays; as explained below, excavation operations will utilize a
- 3 more intensive work schedule. Some construction activities may occasionally continue on
- 4 some weekdays until 10:00 p.m. Construction work may also occur on Saturdays; typical

<sup>11</sup> Assumption:  $305' \times 20' \times 2' + (200' - 40') \times 20' \times 2' = 0.4$  Acre

<sup>12</sup> Assumptions: 111,000 SF buildings footprint x 6 stories @ 20ft/story x 35% debris volume: building volume

1 Saturday operations will extend between 7:00 a.m. and 4:00 p.m., but some operations  
2 might continue until 10:00 p.m.

3 Excavation operations will have an atypical schedule. To reduce the duration of excavation  
4 operations and demolition operations on the Stahlman Block, construction personnel will  
5 utilize double shifts from as early as 6:00 a.m. until as late as 10:00 p.m. The AOC expects  
6 that demolition and excavation activities for the new courthouse will require approximately  
7 three months.

8 Outbound trucks will exit the Stahlman Block onto B Street and will return to Interstate 5  
9 via State Street, A Street, and 5th Avenue to the 5th Avenue freeway on-ramp. Inbound  
10 trucks will exit Interstate 5 at the Front Street exit and approach the Project site via Cedar  
11 Street, Union Street, and B Street. Excavation hauling will typically end approximately two  
12 hours prior to the end of the second excavation shift.

### 13 3.4.7 Future of the Existing County Courthouse, Old Jail, Madge 14 Bradley Building, and Family Court

15 After completion of the New San Diego Central Courthouse, the Superior Court will move  
16 from the County Courthouse, Madge Bradley building, Family Court building, and Kearney  
17 Mesa to the new courthouse; the County will move some of its Sheriff's Department  
18 operations to the new courthouse and will move its other operations from the County  
19 Courthouse to other facilities.

20 After the Superior Court and other parties vacate the buildings, the AOC will close and  
21 secure the existing County Courthouse and Old Jail. Closure of the building will include  
22 measures to secure windows and doors on the buildings' ground floor and potentially other  
23 floors. The AOC will also secure the buildings' driveway on C Street, and the AOC will  
24 install fencing to secure the plaza at the northwest corner of Broadway/Front Street and the  
25 plaza and driveway area at the southwest corner of Front Street/C Street. In addition, the  
26 AOC will continue to provide maintenance service for the buildings' exterior and portions  
27 of the buildings' interior.

28 Since the buildings have structural limitations and an earthquake fault bisects the property  
29 where the buildings are located, the AOC intends to demolish the County Courthouse and  
30 Old Jail. The AOC will remove the structures to the level of the basement floors, stabilize all  
31 exposed erodible surfaces, and secure the site's perimeter.

32 Since the existing County Courthouse contains infrastructure connections between several  
33 County facilities, the AOC must provide replacement infrastructure for the affected County  
34 facilities. The AOC and County will design the replacement infrastructure as part of the

1 AOC's future planning for demolition of the County Courthouse and Old Jail, and the AOC  
2 will provide the replacement infrastructure as part of the AOC's demolition activities.

3 Once the Superior Court relocates its operations from the Madge Bradley Building, Family  
4 Court, and portions of the Hall of Justice, the County or another party will occupy the  
5 vacated space. When the Superior Court relocates from these facilities, the new occupants  
6 will utilize the buildings' existing parking spaces.

7 Although the Project will construct a new courthouse with as much as approximately  
8 750,000 BGSF, 69 of the proposed 71 courtrooms are currently operating in downtown San  
9 Diego and will relocate from other downtown locations to the new courthouse. As a result,  
10 much of the Project's traffic analysis focuses on accounting for how the Project will  
11 redistribute traffic in the downtown area. Although the new courthouse will increase the  
12 Superior Court's downtown operating space, the Project adds only two new downtown  
13 courtrooms. Since courtrooms are the dominant factor determining a courthouse's daytime  
14 population and associated traffic generation, the Project will add few new vehicle trips to  
15 downtown San Diego for the two new courtrooms. In contrast to the slight two-courtroom-  
16 related generation of new downtown traffic, the Project's demolition of the Stahlman Block's  
17 buildings (with 46,000 BGSF), the 134,000 BGSF Old Jail, and the County's 88,000 BGSF of  
18 office space in the County Courthouse will eliminate a substantial number of existing  
19 downtown trips. Considering the relocation of the existing downtown courtrooms,  
20 demolition of the existing Stahlman Block buildings and County Courthouse and Old Jail,  
21 and relocation of County personnel, the Project generates fewer trips than the existing  
22 Project-affected buildings' land uses are currently generating in the downtown area.  
23 However, in an effort to provide a conservative analysis for issues such as noise, air quality,  
24 and green house gas emissions, analysts evaluated the additional trips generated by the two  
25 new courtrooms as new or additional trips into the downtown area. Although, the Project  
26 reduces total downtown daily traffic, analysts utilized 136 average daily trips to model  
27 potential impacts for traffic, noise, and air quality issues.

### 28 3.4.8 Project Schedule

29 The AOC plans to begin construction of the new courthouse in mid 2014 and complete  
30 construction in 2016. The Superior Court will begin operations in the new building in late  
31 2016. The tunnel between the new courthouse and the Central Jail and the bridge between  
32 the new courthouse and the Hall of Justice will open at the same time as the new  
33 courthouse. After the Superior Court and other parties vacate the County Courthouse and  
34 Old Jail, the AOC will close and secure the buildings and their grounds. As stated  
35 previously, the AOC does not currently have funding to demolish the existing County

Courthouse and Old Jail, and therefore, the AOC has not determined a schedule for demolition of these buildings.

### 3.5 GENERAL PLAN LAND USE DESIGNATION

The State of California is not subject to land use planning and zoning regulations established by local authorities. Government Code Section 70391 gives the Judicial Council of California full responsibility, jurisdiction, control, and authority over trial court facilities including property acquisition, planning, construction and disposal of property. The California Trial Court Facilities Standards,<sup>13</sup> which the Judicial Council of California published in April 2006, provide direction for development of trial court facilities; however, the State is coordinating closely with the City of San Diego and Centre City Development Corporation (CCDC) to ensure that the Project is generally compatible with local land use plans and policies.

### 3.6 EXISTING CONDITIONS

#### 3.6.1 Land Uses

The proposed courthouse site is in downtown San Diego, which is a highly urbanized area. Three buildings occupy the northeast portion of the site and house a restaurant, offices, and bail bond functions. The remainder of the site supports surface parking available to the general public on a fee basis.

The existing County Courthouse and Old Jail are directly to the east of the Project site; the Hall of Justice is south of the site; a parking lot and commercial buildings are west of the site; and, a parking lot and various commercial buildings are north of the site.

The Superior Court provides parking for judicial officers and limited staff; however, it does not provide parking for visitors or jurors within the downtown San Diego area.

### 3.7 DISCRETIONARY PROJECT APPROVALS

The AOC is the Lead Agency for the Project. The Administrative Director of the Courts is ultimately responsible for approving the Project.

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<sup>13</sup> Available at [http://www.courtinfo.ca.gov/programs/occm/documents/06\\_April\\_Facilities\\_Standards-Final-Online.pdf](http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards-Final-Online.pdf)



1 Since the AOC will need to acquire real property rights and interests from the City and the  
2 County to construct and operate a pedestrian tunnel to connect the new courthouse to the  
3 Central Jail and to construct and operate the bridge between the new courthouse and the  
4 Hall of Justice, the City and the County will act as responsible agencies. No other agency  
5 must make a discretionary approval of the real estate, construction, or operational portions  
6 of the Project.

### 7 3.8 CONTACT PERSON

8 Mr. Jerome Ripperda  
9 Administrative Office of the Courts  
10 2860 Gateway Oaks, Suite 400  
11 Sacramento, CA 95833  
12 Phone: (916) 263-8865; Fax: (916) 263-8140  
13 E-mail: Jerry.Ripperda@jud.ca.gov  
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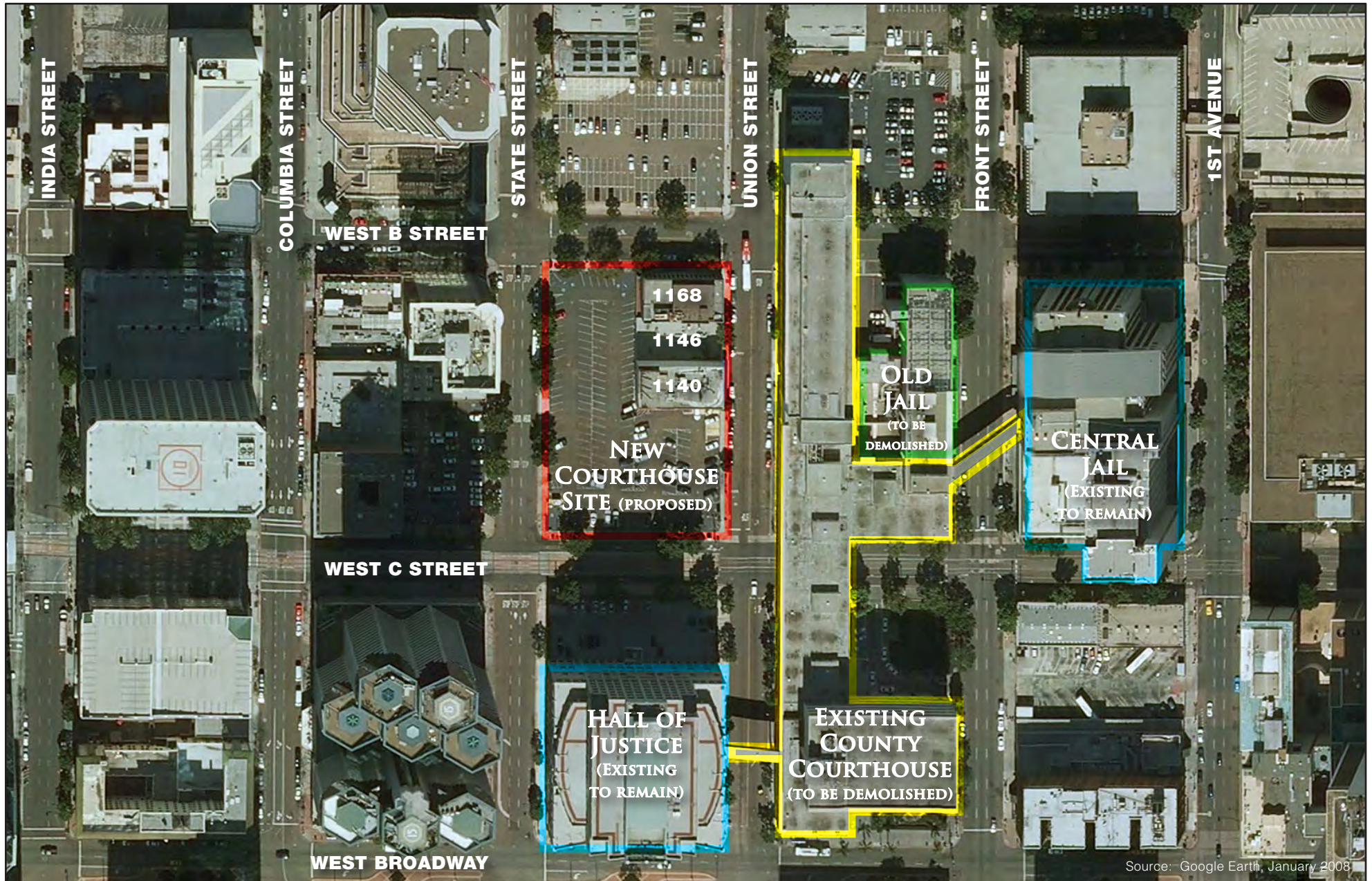






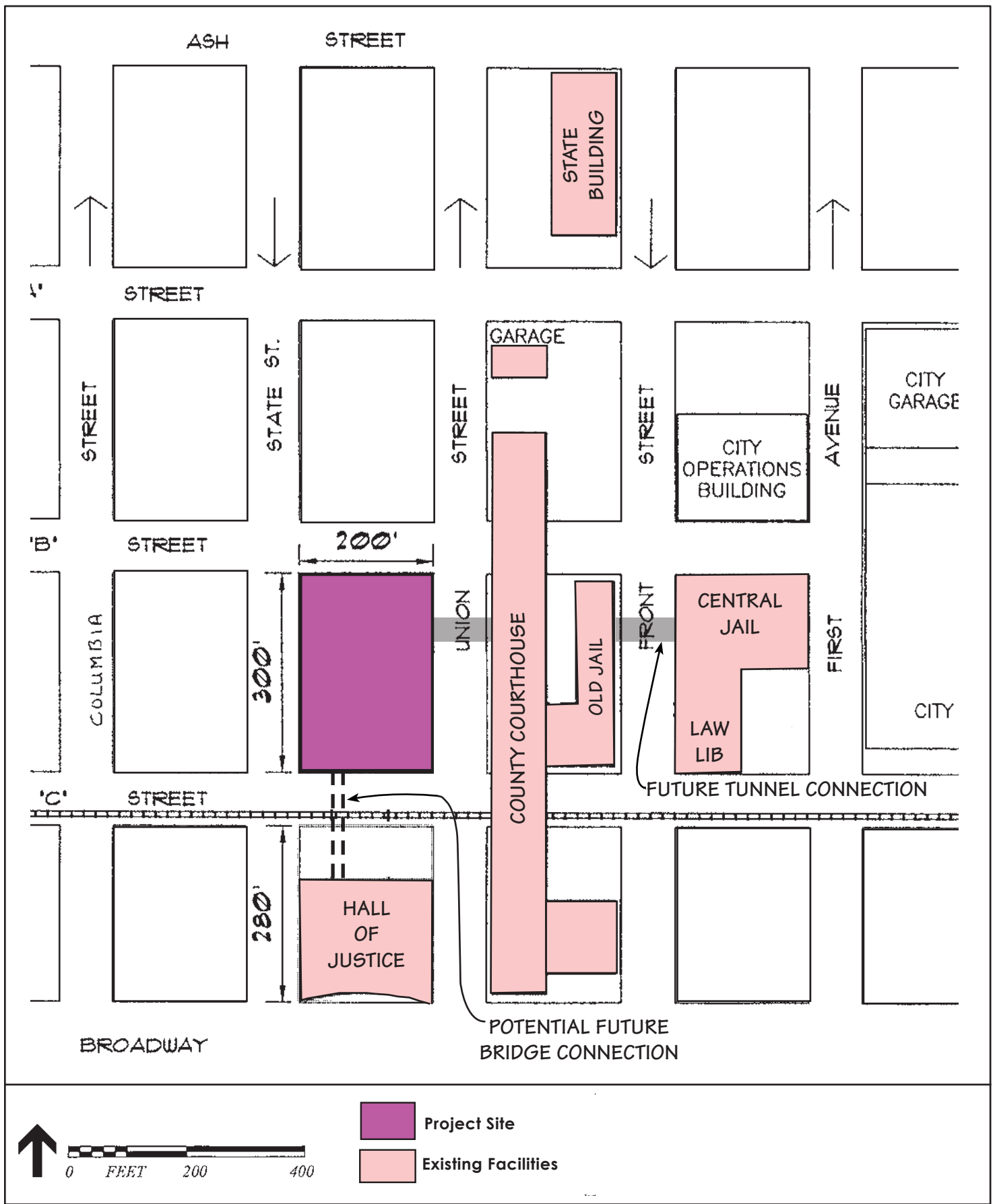
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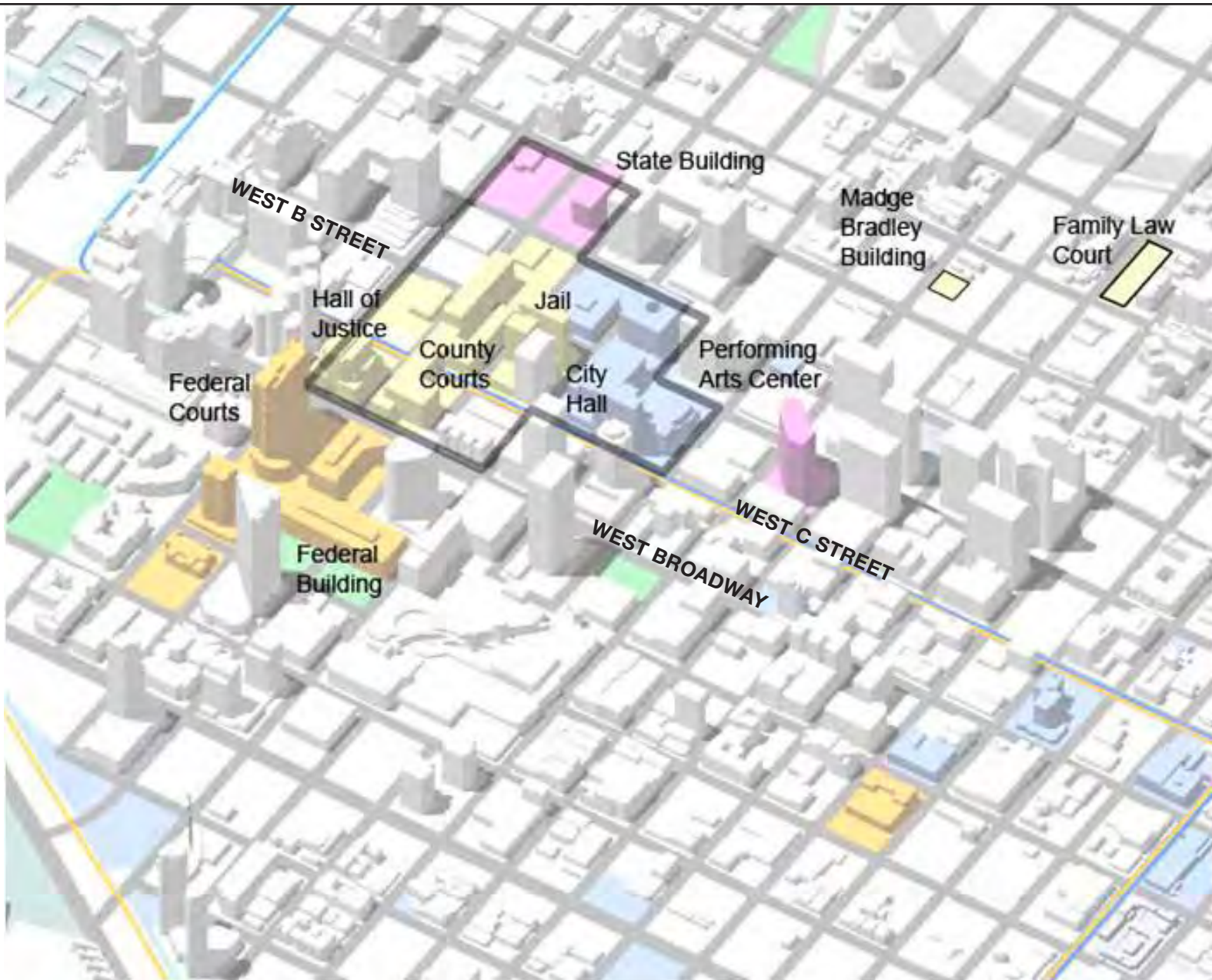
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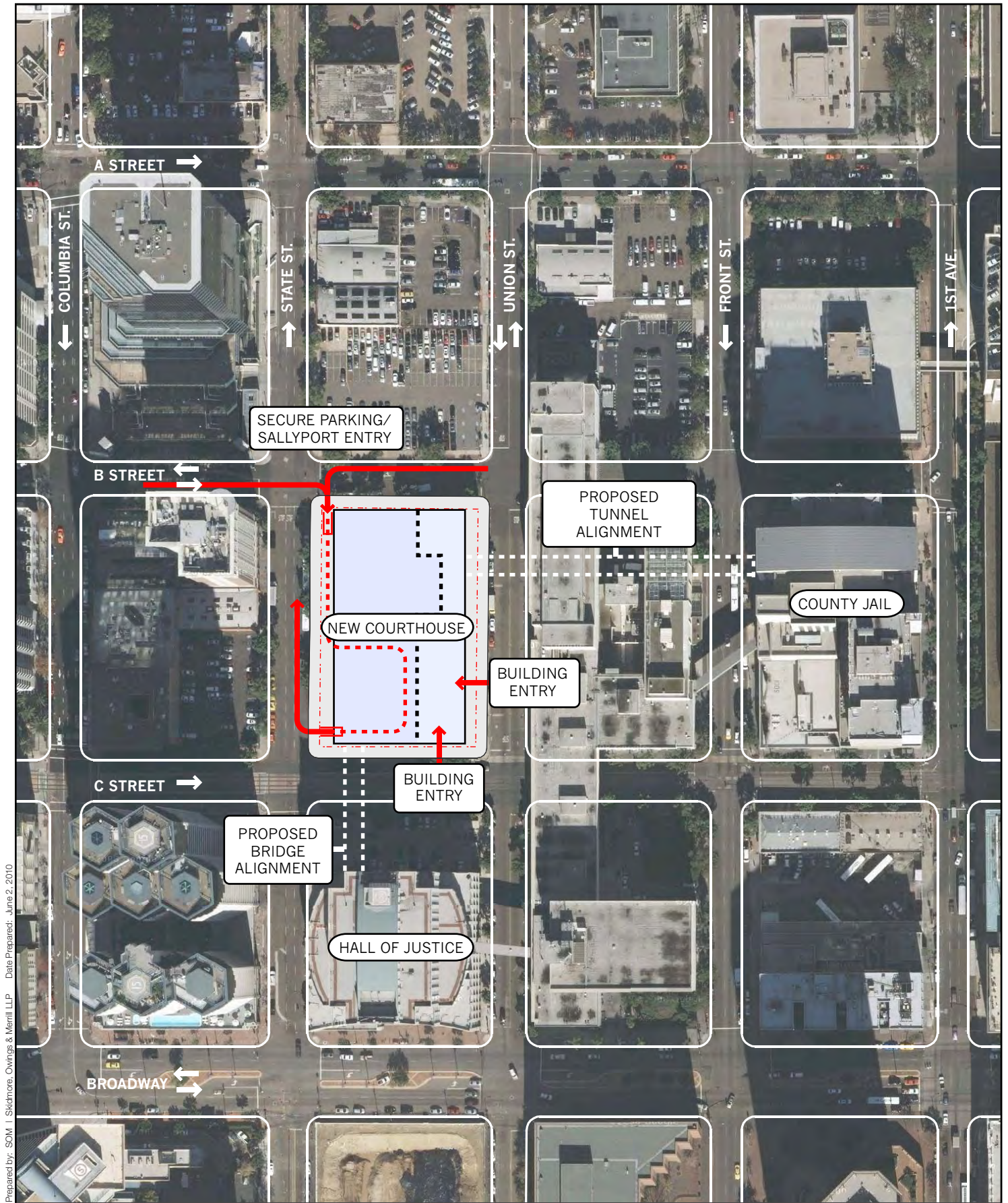




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## 4.0 ENVIRONMENTAL EFFECTS

### 4.1 DESCRIPTION OF ENVIRONMENTAL SETTING, PROJECT IMPACTS, AND MITIGATION MEASURES

Chapter 4.0 provides an assessment of the proposed Project's potential environmental effects; evaluates the significance of each impact; and, identifies mitigation measures for impacts identified as potentially significant for each environmental issue area considered in the EIR, as applicable.

Per CEQA Guidelines Section 15125, the EIR provides a description of the existing physical environmental conditions both onsite and for surrounding areas, as appropriate, to establish a "baseline condition" that analysts will compare to conditions following project implementation to determine a project's potential environmental effects. The baseline condition is typically the condition that exists when the Lead Agency releases the Notice of Preparation to notify the public that the Lead Agency is preparing an EIR. The AOC filed the Notice of Preparation for the New San Diego County Courthouse on May 4, 2010. Since physical environmental conditions may vary over a range of time periods, the Lead Agency may establish an environmental baseline different from the date of the Notice of Preparation, as appropriate, if the new baseline will provide greater accuracy for assessing the potential environmental effects of a project.

The EIR identifies the analytical methods used in assessing impacts for each issue area and provides a summary of the regulatory background (e.g. regulations, plans, policies, etc.) relevant to each. The EIR identifies the AOC's thresholds of significance for each issue area to provide a quantitative, qualitative, or performance level of a particular environmental effect per CEQA Guidelines Section 15064.07.

Per CEQA Guidelines Section 15382, a "significant effect" is "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment [but] may be considered in determining whether the physical change is significant." The EIR uses the following levels of significance to identify impacts resulting from the proposed Project:

- "No impact" occurs when no adverse changes in the environment are expected.
- A "less than significant impact" will cause no substantial adverse change in the environment.

- 1       ▪ A “less than significant impact with mitigation incorporated” avoids substantial  
2       adverse impacts on the environment through mitigation. “Mitigation Measures” are  
3       those specific measures that may be required of a project to avoid a significant  
4       adverse impact; minimize a significant adverse impact; rectify a significant adverse  
5       impact by restoration; reduce or eliminate a significant adverse impact over time by  
6       preservation and maintenance operations; or, compensate for the impact by  
7       replacing or providing substitute resources or environment.
- 8       ▪ A “significant and unavoidable impact” will cause a substantial adverse effect on the  
9       environment, and feasible mitigation measures are not available to reduce the  
10      impact to a less than significant level.

11 As appropriate, per CEQA Guidelines Section 15126.2(a), the EIR analysis considers  
12 potential direct, indirect, short-term, long-term, and onsite and offsite effects during both  
13 construction and operational phases for each environmental issue area. If analysts identify a  
14 potentially significant impact or a significant impact, the EIR provides appropriate  
15 mitigation measures to minimize or avoid such impacts. Impacts that cannot be reduced to a  
16 less than significant level with the implementation of feasible mitigation measures are  
17 considered significant and unavoidable.

## 4.2 AESTHETICS AND VISUAL RESOURCES

This section evaluates the potential impacts of the Project to aesthetics and visual resources. The purpose of this section is to describe the existing aesthetic environment onsite and in the site vicinity and analyze potential Project impacts on the existing aesthetic character, public scenic vistas and views, scenic resources, and the introduction of new sources of light and glare.

### 4.2.1 Environmental Setting

As a highly urbanized area, downtown San Diego is largely built-out. Elements within the visual landscape include the grid street network and infrastructure supporting the trolley and rail system; largely mid-rise to high-rise structures for commercial, public, institutional, and multi-family residential uses; low-rise industrial uses; surface and aboveground parking structures; and, a variety of parks, waterfront areas, and other public spaces and amenities.

Although the topography of downtown San Diego varies, ranging from sea level to approximately 180 feet above sea level, unique natural landforms, areas of natural or native vegetation, and other scenic natural or built resources are generally non-existent or frequently obscured by existing development. Vegetation is largely comprised of ornamental vegetation including landscaped frontage areas, street trees, and undeveloped, vacant lots.

#### 4.2.1.1 Visual and Aesthetic Features

As a surface parking lot currently occupies the majority of the Project site, the site is not an aesthetic feature of high visual quality. The onsite structures do not exhibit a distinct or unique architectural character and do not significantly contribute to a high overall visual quality of the property.

The existing County Courthouse and Old Jail are east/southeast of the New San Diego Central Courthouse site. These blocks generally support the civic facilities with little supporting landscaping or other aesthetic features of noted visual quality or aesthetic value. Architectural design of the structures is largely utilitarian in nature, with no significant design features considered to contribute to an overall high aesthetic value or quality.



As designated by the City of San Diego Downtown Community Plan,<sup>1</sup> the Project site is located within the Columbia District; adjacent to the east of the Project site lies the Civic/Core District. Visual characteristics of these Districts include:

#### 4.2.1.2 Columbia

- A mix of buildings containing various scales, uses, and architectural styles;
- Marine travel infrastructure such as the Broadway Pier, the Cruise Ship Terminal, and boat docks;
- Trains and trolleys moving through the western edge of Columbia on California Street;
- The historic Santa Fe Depot (the downtown hub for train and trolley), which has a Spanish Mission architectural style;
- Small-scale office buildings, hotels, and surface parking lots, and public art located along the waterfront; and,
- A number of tall, architecturally distinctive high-rise developments located inland from the waterfront.

#### 4.2.1.3 Civic/Core

- A cluster of high-rise office buildings located west of Eighth Avenue. A number of these buildings were built in the 1980's and have a modern architectural style with rectangular, unarticulated appearances and facades with reflective glass windows, neutral tones, or painted steel;
- Older high-rise administrative and institutional buildings near Third Avenue, including the Civic Center Complex (which contains city administration offices, Golden Hall, and the Civic Theater), the Concourse Plaza on C Street, and various mid-rise to high-rise historic structures exhibiting more elaborate facades; and,
- Small-scale commercial and light industrial buildings with few architecturally-distinguishing features and surface parking lots.

Refer to *Figure 4.2-1: View Location Map*, and *Figures 4.2-2A to 4.2-2C, Views to the Project Site*, which show the Project site and its relation to surrounding land uses.

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<sup>1</sup> Final Environmental Impact Report for the Proposed San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10<sup>th</sup> Amendment to the Redevelopment Plan for the Centre City Redevelopment Project. SCH No. 2003041001. Certified January 12, 2006.



#### 4.2.1.4 Wind and Microclimate

A microclimate is a local atmospheric zone where the climate differs from the surrounding area. Microclimates may affect a few square feet or in a larger area (e.g., a valley or canyon). Microclimates may occur near water bodies that may cool the surrounding or in densely developed urban areas that exhibit large areas of paved surface area that heat up from the sun's energy and reradiate such heat (e.g., heat island effect). Tall buildings can create microclimates that affect large areas by cooling the environment or by funneling winds to the ground level. The siting and/or design of tall structures can create groundborne winds by blocking wind patterns, resulting in the creation of isolated microclimates where winds circulate. Wind speeds at ground level are generally lower than wind speeds higher above ground level, where airflow is generally unobstructed by elements along a landscape surface. When winds at higher elevations contact a tall building with a flat surface area, the pattern of wind flow generally divides at a point at approximately three fourths of the total building height. Air will therefore generally flow up the face of the building and over the roof above the division point, and it will flow down the face of the building to ground level below the division point. The wind-flow creates a vortex in front of the building prior to flowing around the corners of the structure. As a result, the downward wind-flow and vortex can increase wind speeds at the front and sides of the building, although resulting wind speeds are influenced by building height, building width, and the wind effects of surrounding structures. Such conditions can create uncomfortable or even dangerous conditions for pedestrians.

The Municipal Code, Chapter 15: Planned Districts addresses the potential for buildings within the Centre City Planned District to create wind acceleration. Section 151.0312, Performance Standards, states the following:

*(c) Wind acceleration studies may be required as part of the project review process to evaluate potential adverse impacts of wind acceleration onto public rights-of-way, urban open space areas, and other public spaces. Vertical wall surfaces 100 feet and taller shall employ changes in the horizontal canopy or volumetric step to break wind shear before reaching the ground level.*

#### 4.2.1.5 Scenic Vistas / Key Vantage Points and View Corridors

The Downtown Community Plan identifies the following six key public vantage points located in and around the downtown area and offer views of one or several scenic resources such as the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado and the downtown skyline:

- Waterfront – North Embarcadero. Views from this vantage point include San Diego Bay and Point Loma;

- Waterfront – South Embarcadero. Views from this vantage point include San Diego Bay, the City of Coronado, and the San Diego-Coronado Bay Bridge;
- Balboa Park. Views from this vantage point include the downtown San Diego skyline, San Diego Bay, and San Diego-Coronado Bay Bridge;
- Interstate 5. Views from this vantage point include the downtown San Diego skyline and San Diego Bay;
- Highway 94. Views from this vantage point look over East Village to the San Diego Bay; and,
- San Diego-Coronado Bay Bridge. Views from this vantage point include San Diego Bay and the downtown San Diego skyline.

Although the City's oceanfront area offers an attractive scenic vista, the San Diego Bay is located over 0.7 miles south of the Project site, and views are generally blocked by the Hall of Justice.

As downtown San Diego is based on a grid system and is largely built-out, many views to surrounding areas have been affected or obstructed over time, particularly views to the San Diego Bay. Many mid- to high-rise mixed-use and residential structures occupy the downtown, in addition to numerous large-scale commercial and civic uses (for example, Horton Plaza, Ballpark, Convention Center, and County Administration Building), many of which obscure or limit views to the Bay and other important features within the visual landscape from surrounding land uses or vantage points; however, views have also been preserved along a number of streets within the downtown.

*Figure 4.2-3: View Corridors*, shows important view corridors within downtown San Diego, as designated in the existing Centre City Community Plan. As indicated in the Final EIR for the Downtown Community Plan, views of San Diego Bay and Point Loma occur from Hawthorne Street, Grape Street, Ash Street, and Broadway. Views of San Diego Bay also occur west of Union, B, C, and E Streets. Although the Plan designates portions of B Street and C Street as designated view corridors, the B Street and C Street segments in the vicinity of the Project site are not part of the designated view corridors. North-south trending streets, including Sixth Avenue and Park Boulevard, also offer views of San Diego Bay. The Bay is located approximately 0.5 mile to the west of the Project site; however, intermittent development and elevational differences limit views along C Street.

#### 4.2.1.6 Scenic Resources

The Final EIR for the City of San Diego Downtown Community Plan concludes that the downtown planning area lacks natural scenic resources such as natural landforms, waterways, or open space that are more likely found in areas with lower-density

1 characteristics; however, several natural and constructed visual resources lie just outside of  
2 the highly developed area of downtown San Diego. These resources include the San Diego  
3 Bay and views from various points within the downtown area to Point Loma, the City of  
4 Coronado, the San Diego-Coronado Bay Bridge, and Balboa Park. In addition, looking to  
5 downtown from distant offsite locations provides highly aesthetic views of the distinct San  
6 Diego skyline, which is considered to be an important constructed resource.

#### 7 4.2.1.7 Light and Glare

8 Downtown San Diego is a highly urbanized area that supports a highly-diversified range of  
9 uses including residential, commercial, civic/institutional, industrial, and others. These land  
10 uses have varying operating characteristics (for example, business office, restaurant,  
11 government facilities, retail, and residential uses) throughout a typical day, and their  
12 lighting requirements also vary. Exterior lighting is generally provided for purposes of  
13 security and safe circulation, as well as for display and/or advertisement. Interior light  
14 passing through transparent or translucent surfaces (e.g., windows) can also contribute to  
15 overall lighting effects, particularly in highly urbanized, densely developed areas.

16 Glare is intense, blinding light, and it can occur in urban areas from sunlight or artificial  
17 light reflecting off of a surface. Typical building materials with high potential to create glare  
18 effects may include reflective glass, windows, or metallic elements. Although the City  
19 implements a design review process to reduce potential glare effects, glare effects still occur  
20 with some downtown structures.

#### 21 4.2.1.8 Shadows

22 Within the Northern Hemisphere, the sun arcs across the southern portion of the sky;  
23 however, the angle of the sun and the character of shadows vary depending on the time of  
24 day and the time of the year. Shadow length and direction depend on the location of the  
25 sun on the horizon (azimuth), the height of the sun in the sky (altitude), and the height of  
26 the object that creates the shadow. Azimuth and altitude vary due to the physical location  
27 on the earth's surface, the time of day, and time of year. Shadows extend in the direction  
28 that is opposite from the sun. The lower the sun becomes in the sky, the longer the shadow  
29 become; therefore, shadows formed during winter months are the longest shadows of the  
30 year. At midday in winter, the position of the sun is directly south, thereby creating  
31 shadows that extend to the north. Similar shadow patterns occur during summer months;  
32 however, summer shadows do not extend as far as winter shadows because the arc of the  
33 sun starts and ends farther north and the sun is higher in the sky.

34 Generally, a single object does not generate sufficient shadows to shade an area for a  
35 substantial portion of the day. As the sun traverses the sky, shadows generated by various

1 structures move from west to east and do not remain on any particular area for extended  
2 periods of time. Therefore, only a facility that borders an area on two or more sides has the  
3 potential to shade an area for a substantial portion of the day.

4 As a highly urbanized area, structures within downtown San Diego typically cast shadows  
5 on other buildings in adjacent areas during the hours of sunlight. Street trees, trees within  
6 open space areas, and other natural and constructed elements within the urban landscape  
7 also provide shade and create shadow effects. Due to the dense nature of the downtown and  
8 the numerous mid- to-high rise structures, most areas experience shadow effects to some  
9 degree during daylight hours. In addition, as indicated by the *San Diego Downtown*  
10 *Community Plan for the Centre City District* (January 2006), the Project site is not located  
11 within an area where development regulations for building height restrictions relative to  
12 sun access are intended to apply.

13 The W Hotel and Emerald Plaza are the west of the proposed courthouse site, the Hall of  
14 Justice is south of the proposed courthouse site, and the existing County Courthouse and  
15 Old Jail are east of the proposed courthouse site. These buildings range in height from taller  
16 than the proposed courthouse to less tall than the proposed, and these buildings currently  
17 create shadows on the Project site. The Downtown Community Plan identifies the block  
18 directly to the east of the proposed courthouse site, which includes the Old Jail and part of  
19 the County Courthouse, as the future location of a public park, or “Civic Square;” refer also  
20 to *Figure 4.9-2, Proposed Land Use Map*. CCDC identifies the site for development of a 1.4-acre  
21 full-block, centrally located, public park within the Civic/Core District that will offer a  
22 combination of grassy areas and plazas; gathering areas; an iconic venue for public events,  
23 gatherings, and demonstrations; open grounds for public events; and, an opportunities site  
24 for food vendors.

## 25 4.2.2 Analytical Framework

### 26 4.2.2.1 Analytical Methodology

27 Analysts performed a site reconnaissance and document review and reviewed the City’s  
28 General Plan and General Plan Final EIR and other pertinent documents to evaluate  
29 potential impacts resulting from the Project on visual character and site quality and to  
30 identify scenic vistas and scenic resources. In addition, analysts visited the Project site to  
31 identify and document potential sources of light, glare, and shading, as well as existing  
32 significant elements within the landscape and the overall quality of the site. Evaluation of  
33 aesthetic and visual resources onsite and within the surrounding areas generally included  
34 the following:

- 35     ▪ Identification of the visual features that define the visual character of the viewsheds;

- Assessment of the quality of the identified visual resources relative to overall regional visual character; and,
- Assessment of the Project's impacts on identified scenic resources.

To evaluate the potential range of shadow direction and length that will occur with the Project, analysts created three shadow plots for the Project site using the proposed location of the new courthouse and the proper azimuth and altitude for the City of San Diego on each of the four equinoxes and solstices (March 21/September 21, June 21, and December 21). For each date, analysts assessed six time periods (8:00 a.m., 10:00 a.m., 12:00 p.m., 2:00 p.m., 4:00 p.m., and 6:00 p.m.). Analysts assumed the height of the new courthouse will be 400 feet. The model assumed a flat Project site with no other sources of shadows; however, there are numerous sources of shadows within close proximity to the proposed site, due to the height of surrounding buildings and other elements within the urban landscape. For this EIR, analysts limited the evaluation of shading and shadow to consideration of daytime shadows created by objects that block daylight and the resulting impact. Consideration of shadows created by objects that block artificial light sources is excluded in the analysis.

#### 4.2.2.2 Regulatory Background

#### 4.2.2.3 Local

The intent of the *City of San Diego General Plan – City of Villages* (March 2008) is to guide the City's overall form and to foster a compact, environmentally-sensitive pattern of development by enhancing a series of "villages" to direct future growth into areas where a concentrated level of activity and transit service occurs. The General Plan Urban Design Element identifies the following goals and policies relevant to the general area of the Project site with regard to aesthetic resources and visual character:

### *City of San Diego General Plan - Urban Design Element*

#### **A. General Urban Design**

##### **Policies**

##### *Sustainable Development*

UD-A.4. Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.

##### *Architecture*

UD-A.5. Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.

- c. Provide architectural features that establish and design a building's appeal and enhance the neighborhood character.

UD-A.6. Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience.

*Landscape*

UD-A.8. Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.

*Structured Parking*

UD-A.11. Encourage the use of underground or above-ground parking structures, rather than surface parking lots, to reduce land area devoted to parking.

*Surface Parking*

UD-A.12. Reduce the amount and visual impact of surface parking lots.

**E. Public Spaces and Civic Architecture**

**Goals**

Distinctive civic architecture, landmarks, and public facilities.

**Policies**

*Public Spaces*

UD-E.1. Include public plazas, squares or other gathering spaces in each neighborhood and village center.

*Civic Architecture and Landmarks*

UD-E.2. Treat and locate civic architecture and landmark institutions prominently.

- a. Where feasible, provide distinctive public open space, public art, greens, and/or plazas around civic buildings such as courthouses, libraries, post offices, and community centers to enhance the character of these civic and public buildings. Such civic and public buildings are widely used and should form the focal point for neighborhoods and communities.

- b. Incorporate sustainable building principles into building design.

***San Diego Downtown Community Plan***

In addition, the Downtown Community Plan provides the following goals and policies with regard to urban design in the Centre City District and addresses street grid and views; centers and main streets, bulk, skyline, and sun access; streetscape and building interface;

wayfinding and signs; linkages to surrounding neighborhoods; and, sustainable development:

*Street Grid and Views*

5.1-G-1: Maintain the downtown's street grid system and extend it to the waterfront and other larger sites as they are redeveloped.

5.1-P-5: Prohibit the construction of "sky-walks" or any visible structure in view corridors. Discourage "sky-walks" above all streets. If they occur, make them minimal in size and encourage open-air construction or transparency.

5.1-P-6: Ensure that streetscape design in the designated corridors is sensitive to views.

*Wind Acceleration*

5.3-P-9: Maintain review procedures in Planned District Ordinance to ensure that tall/bulky buildings do not result in wind acceleration that produces pedestrian discomfort.

*Streetscape and Building Interface*

5.4-G-3: Ensure development along streets offers a rich visual experience; is engaging to pedestrians; and, contributes to street life, vitality, and safety.

*Sustainable Development*

5.8-P-1: Prepare and implement Green Building guidelines and/or standards, appropriate to the intense San Diego downtown context, to ensure high levels of energy efficiency and reduction of life-cycle environmental impacts associated with construction and operations of buildings.

5.8-P-8: In accordance with established City policy, ensure that public projects – including buildings, streets, and parks – incorporate sustainable design and construction practices.

*City of San Diego Municipal Code*

The San Diego Municipal Code,<sup>2</sup> Chapter 15: Planned Districts, addresses the potential for building treatments within the Centre City Planned District to result in adverse effects on surrounding uses with regard to glare. Section 151.0312, Performance Standards, states the following:

(a) General Standards

- (1) All outdoor lighting shall be shielded or directed away so that direct light or glare does not adversely impact adjacent land uses or the public right-of-way.

<sup>2</sup> City of San Diego Municipal Code – Centre City Planned District Ordinance, as amended October 18, 2007. Chapter 15; Article 6; Division 3: The Centre City Planned District; Section 151.0312.

(b) Building Reflectance

In order to maximize daylight on streets and open spaces and reduce heat-island build up, materials with high light reflectance shall be used, without producing glare. Above a height of 75 feet, exterior building finishes shall be predominantly lighter colors and materials.

Other documents intended to guide development within the downtown area may provide additional general design measures that may be integrated into the overall building and/or site design for the new courthouse.

### 4.2.3 Standards of Significance

For purposes of evaluating impacts in this EIR, the AOC considers an impact to be significant if the Project will:

- Substantially degrade the existing visual character or aesthetic quality of the site and its surroundings;
- Have a substantial adverse affect on a scenic vista;
- Substantially damage scenic resources; or,
- Create a new substantial source of light or glare that will adversely affect day or nighttime public views in the area or cause extended periods of shading of public facilities.

### 4.2.4 Potential Impacts and Mitigation Measures

#### 4.2.4.1 Visual Character and Aesthetic Quality

#### 4.2.4.2 Construction

**Potential Impact:** (AES-1a) Will the Project substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?

**Less than Significant Impact.**

As a surface parking lot currently occupies the majority of the Project site, the site does not offer aesthetic features of high visual quality. The onsite structures do not exhibit a distinct or unique architectural character, and do not significantly contribute to a high overall visual quality of the property.

The use of heavy equipment, stockpiling of construction materials, and accumulation of debris and waste materials will occur during construction of the new courthouse and



related facilities. During the construction phase, the AOC will install temporary fencing around the perimeter of the Project site to restrict public access to ensure public safety and to provide a visible barrier to reduce potential visual and aesthetic impacts resulting from construction activities. Construction activities will be visible from adjacent streets and sidewalks and surrounding structures with views to the site. Similar large-scale construction projects occur within the downtown area on an ongoing basis. As Project-related construction activities will require approximately 28 months to complete (mid 2014 to 2016), effects will for a short period and will cease when the facilities are completed. As such, the proposed Project's construction activities will be temporary and will not substantially degrade the existing visual character or aesthetic quality of the site. Impacts will be less than significant.

In addition, the Project will involve future demolition of the existing County Courthouse and Old Jail at an unknown date in the future when funding is available. The demolition activities will produce temporary, short-term impacts are anticipated for similar to construction of the new courthouse. As such, the Project's construction and demolition activities will not substantially degrade the existing visual character or aesthetic quality of the site. Impacts of the demolition activities will be less than significant.

Mitigation Measures: None required.

#### 4.2.4.3 Post-Construction, Operation, and Maintenance

**Potential Impact:** (AES-1b) Will the Project substantially degrade the existing visual character or aesthetic quality of the site and its surroundings?

**Less than Significant Impact with Mitigation Incorporated.**

Approximately 75 percent of the proposed site currently has surface parking, which has no aesthetic value. Views of this portion of the proposed courthouse site are either a vacant asphalt-surfaced areas or of parked vehicles. The three structures on the remaining portion of the site do not exhibit significant architectural features or contribute aesthetic quality of the site. Limited to no ornamental vegetative material exists onsite. Since a parking lot and ordinary buildings occupy the proposed site, the Project's new courthouse will not substantially degrade the existing visual character or aesthetic quality of the site or its surroundings, and Project impacts to the site will be less than significant.

The proposed site is in an urban setting, and surrounding buildings include a wide variety of styles and materials. The design of the new courthouse will be consistent with the Judicial Council's design standards. The AOC will consult with the CCDC during the AOC's design process, and the AOC presumes that the courthouse design will generally conform to City and Downtown Community Plan and Planned District Ordinance design standards.

1 The Project may construct a pedestrian bridge over C Street to connect the new courthouse  
2 with the existing Hall of Justice building. Existing bridges span B and C Streets between  
3 Front and Union Street and between the adjacent County Courthouse and structures to the  
4 east of the Project site. These bridges are constructed of materials similar in appearance and  
5 color to the adjoining buildings, and as they are elevated above the ground, are not readily  
6 visible to pedestrians at street level.

7 The proposed pedestrian bridge's design will be visually compatible with surrounding uses.  
8 The bridge will not significantly degrade the existing visual character or aesthetic quality of  
9 the Project site or the Hall of Justice's parking lot area since they are paved surface parking  
10 areas with little aesthetic value. In addition, C Street has a highly urbanized character with  
11 the roadway, paved sidewalks, and limited vegetation to enhance the visual character.  
12 Therefore, the pedestrian bridge is not anticipated to significantly degrade the existing  
13 visual character or aesthetic quality of the site or its surroundings. Impacts will be less than  
14 significant.

15 Although the new courthouse will be approximately 400 feet tall, many mid- to high-rise  
16 level structures are present in areas surrounding the Project site, and therefore, the Project  
17 will not visually degrade the area by constructing a building of height that is incompatible  
18 with the existing visual character or visual quality. Since the courthouse will conform to the  
19 AOC's design standards, the physical appearance of the new courthouse will not  
20 substantially degrade the existing visual character or aesthetic quality of the Project site's  
21 surroundings. The AOC's courthouse design standards require achieving the LEED Silver  
22 rating standards. Therefore, the building's appearance will not degrade the visual character  
23 or aesthetic quality of the vicinity, and the Project's impacts will be less than significant.

24 The Project will replace many of the uses at the County Courthouse and it will not create  
25 adverse effects on the existing character of the site or surrounding areas for operational  
26 effects such as traffic generation, parking, or vehicular and pedestrian access or safety.  
27 Operation of the new courthouse will be similar to the operations of the present courthouse.  
28 Therefore, the Project's operations will not degrade the visual character or aesthetic quality  
29 of the vicinity, and the Project's impacts will be less than significant.

30 In addition, the Project will close the existing County Courthouse and Old Jail after  
31 completion of the new courthouse and prior to the future demolition of the buildings at an  
32 unknown date in the future when funding is available. Securing the buildings will require  
33 very minor visual changes such as addition of coverings and signs to the buildings'  
34 entrances and windows. The Project's closure of the buildings will not substantially degrade  
35 the existing visual character or aesthetic quality of the site, and impacts of the closure  
36 activities will be less than significant.

As the new courthouse will be approximately 20 stories in height (or approximately 400 feet tall), the building has potential to generate high-velocity groundborne winds. The building's interactions with winds may adversely affect pedestrians or others occupying the sidewalks and public spaces below, thereby significantly degrading the aesthetic quality of the existing pedestrian environment around the Project site.

Mitigation Measures:

(AES-1b) To prevent the new courthouse from generating high-velocity groundborne winds, the AOC shall include building features that will intercept winds moving down the building's face toward the ground and prevent substantial wind impacts on pedestrians.

Incorporation of mitigation measure AES-1 into the Project design will reduce potential building-related wind generation impacts to a level that is less than significant.

#### 4.2.4.4 Scenic Vistas

**Potential Impact:** (AES-2) Will the Project have a substantial adverse affect on a scenic vista?

**Less than Significant Impact.**

As stated above, due to the existing grid layout and intervening existing development largely consisting of mid- to high-rise level structures in the highly urbanized downtown environment, limited scenic views exist in the downtown area. The Final EIR for the Downtown Community Plan identifies six key public vantage points located in and around the downtown area, each of which offer views of one or several scenic resources such as the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, and the downtown skyline. Development of the Project site will add another tall building to the downtown skyline, and the Project's lack of proximity to the other scenic features means it will not significantly obstruct or adversely affect any of the key views.

The Project will not obstruct any public scenic vistas. Although the Project will result in construct an approximately 20-story tall building, the building will be compatible with the heights of surrounding development such as the eleven-story Hall of Justice to the south; the 20-story W Hotel to the west, and the 26-story Emerald Towers to the northwest. Views to the San Diego Bay to the south and west from surrounding buildings are largely already limited or obstructed by other existing structures in the Project vicinity. The City identifies the downtown skyline as a scenic resource, and the new courthouse will add a new tower to the downtown skyline.

Since the existing County Courthouse's C Street bridge already blocks views along the C Street corridor and the Project will remove the existing bridge in the future, the proposed

new bridge will not add a new obstruction to unobstructed views along the C Street corridor. In addition, the pedestrian bridge's design will be visually compatible with surrounding buildings. As the bridge will be approximately four stories above ground level, the bridge will not be readily noticeable to pedestrians or passengers in vehicles traveling along C Street. In addition, due to the limited size of the bridge compared to surrounding structures, the bridge will not represent a significant element within the visual setting. Finally, the Project's future demolition of the County Courthouse and its bridge to the Hall of Justice will improve views along Union Street; the demolition of the bridge to the Central Jail will improve views along Front Street; and, the demolition of the County Courthouse's bridge over B Street will improve the views along B Street. Therefore, the Project will not obstruct any scenic vistas, and the AOC concludes that the Project will have less than significant impacts on scenic vistas.

Mitigation Measures: None Required.

#### 4.2.4.5 Scenic Resources

**Potential Impact:** (AES-3) Will the Project substantially damage scenic resources?

**Less than Significant Impact.**

As stated above, as a highly urbanized environment, limited views of scenic resources occur for occupants of the downtown area, due to the existing grid layout and intervening existing development largely consisting of mid- to high-rise level structures.

The Downtown Community Plan Final EIR identifies several scenic resources including the San Diego Bay, San Diego-Coronado Bay Bridge, Point Loma, Coronado, and the downtown skyline. As these resources are distanced from the Project site, they will not be affected by implementation of the Project. Development of the Project site will add another tall building to the downtown skyline, and the Project's compliance with the AOC's design standards and intended cooperation with the CCDC make the AOC confident that the proposed building will have an attractive presence.

The Project site and adjacent properties do not support any identified scenic resources, and therefore, development of the Project site with the new courthouse will not substantially damage such resources. Similarly, the existing County Courthouse and Old Jail are not of scenic value, and future demolition of these structures will not substantially damage scenic resources. Impacts will be less than significant.

Mitigation Measures: None required.

#### 4.2.4.6 Light and Glare

**Potential Impact:** (AES-4) Will the Project create a new source of substantial light or glare that will adversely affect day or nighttime views?

**Less than Significant Impact.**

The Project site is located within a highly urbanized setting and is largely built-out. Light and glare are currently generated on the property from lighting associated with the surface parking lot, street lighting, and the existing onsite structures. In addition, lighting effects occur from existing surrounding residential, commercial, and institutional uses, as well as from streetlights, security lighting, and from vehicles traveling along adjacent roadways. Existing outdoor lighting in the area is generally limited to that necessary for safety and access, as well as security of outdoor areas, and both interior and exterior structural lighting.

The Project's excavation operations will utilize double shifts which will require the use of construction lighting during dark times of day. Excavation activities will take as much as approximately four months to complete. However, since the AOC expects construction operations to begin in mid 2014, which has day-lengths of over 14 hours in San Diego on June 21 and 13 over hours on August 21,<sup>3</sup> the duration of construction lighting for excavation operations may operate for only a very limited time during the morning and evening hours. Project-related nighttime construction activities are unlikely after excavation operations are complete.

Construction personnel will limit nighttime construction lighting to the minimum necessary to provide adequate lighting for worker safety and to accurately perform the required excavation and shield and direct lights to minimize potential illumination on surrounding land uses. In addition, as nighttime light effects are currently generated by surrounding land uses, construction lighting for the Project will not represent a significant source of new nighttime lighting in the area. Therefore, the spillover of light to adjacent uses, and particularly mid- to upper stories of surrounding structures, will be limited. Since the daily duration of the construction lighting will include only limited portions of the early morning and early nighttime hours and construction personnel will limit illumination of surrounding areas, construction lighting impacts will be less than significant.

As the proposed development occurs on the Project site, potential new sources of light or glare may be introduced to the area. Potential sources of light would largely be from lighting for outdoor safety and circulation, structural lighting, and daily weekday operation of the facilities (from interior lighting). Security lighting for the facility will not substantially differ from that of surrounding buildings, and will not create a substantial new source of

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<sup>3</sup> Calculated from sunrise and sunset data available at [http://aa.usno.navy.mil/cgi-bin/aa\\_rstablew2.pl](http://aa.usno.navy.mil/cgi-bin/aa_rstablew2.pl). Accessed on July 30, 2010.

1 light. All future lighting will be shielded and directed downward to prevent spillover into  
2 adjacent properties.

3 Site and building design for the proposed new courthouse will comply with the Judicial  
4 Council's Design Standards, include measures to meet LEED Silver standards, and generally  
5 conform to City standards for structural, street, and security lighting to ensure that  
6 significant lighting impacts at either a local level or preservation of dark skies for the San  
7 Diego region do not occur. In addition, the AOC will apply for a LEED Silver rating for the  
8 Project. The AOC intends to implement a lighting plan that complies with LEED  
9 requirements to reduce both the generation of exterior light and the potential for light  
10 trespass to affect offsite areas. The AOC concludes that the Project will not create a new  
11 source of substantial light that will adversely affect day or nighttime views in the area  
12 because the Project will comply with LEED criteria for reducing light pollution.

13 In addition, the Judicial Council's Design Standards require courthouse projects to control  
14 glare in public spaces. The AOC will actively select appropriate exterior building materials  
15 to ensure that potential for glare effects will be minimized. Project impacts relative to light  
16 and glare issues will be less than significant.

17 Mitigation Measures: None required.

#### 18 4.2.4.7 Shading

19 **Potential Impact:** (AES-5) Will the Project create a new source of substantial shading  
20 that would adversely affect surrounding properties?

#### 21 **Less than Significant Impact.**

22 As the new courthouse will have as many as 20 stories and will be as tall as approximately  
23 400 feet, the building will cast a shadow on surrounding buildings and other elements  
24 within the landscape. *Figures 4.2-4A through 4.2-4C* illustrate the anticipated shade effects  
25 during varied times of the year. During late autumn and winter mornings when shadows  
26 are at their longest, the building's shadow will extend west to approximately India Street  
27 during the morning hours and to approximately 1<sup>st</sup> Avenue to the east in the late afternoon.

28 The shadow plots created for the new courthouse for the spring and fall months will be  
29 similar, and shade created by the proposed structure will be similar at these times of year.  
30 The proposed building will shade portions of State Street, B Street, and Union and Front  
31 Streets to the north in the morning, noon and early afternoon hours; refer to *Figure 4.2-4A:*  
32 *Shadow Analysis (March/September)*; however, none of these areas include existing public  
33 parks or other public areas, and the Project's shading of the areas will not occur for an  
34 extended number of hours. Therefore, the AOC concludes that the Project's shading impacts  
35 will be less than significant.

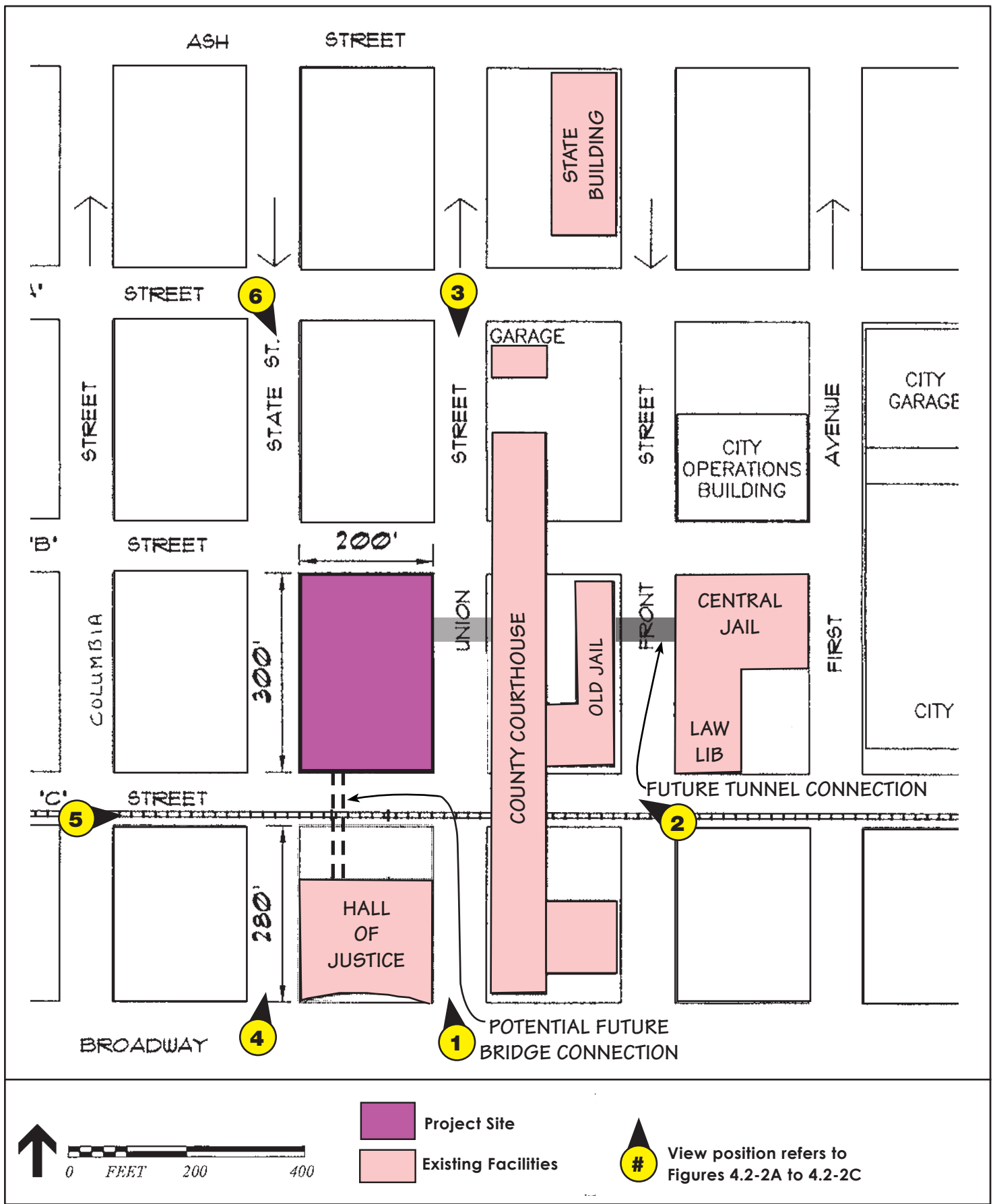
1 As noted in Section 4.2.1.8, the Downtown Community Plan identifies the block directly east  
2 of the proposed courthouse site, which includes the Old Jail and part of the County  
3 Courthouse, as the future location of a public park. As shown in *Figures 4.2-4A to 4.2-4C*, the  
4 proposed courthouse and existing structures in the surrounding area will create a shadow  
5 effect on the proposed location of the Civic Square during the mid-to-late afternoon hours.  
6 During most of the daytime hours when the park will typically be occupied by people  
7 working or visiting the surrounding area, neither the proposed Project nor surrounding  
8 buildings will substantially shade the proposed park area. Therefore, the AOC concludes  
9 that shading impacts are less than significant.

10 Mitigation Measures: None Required.  
11

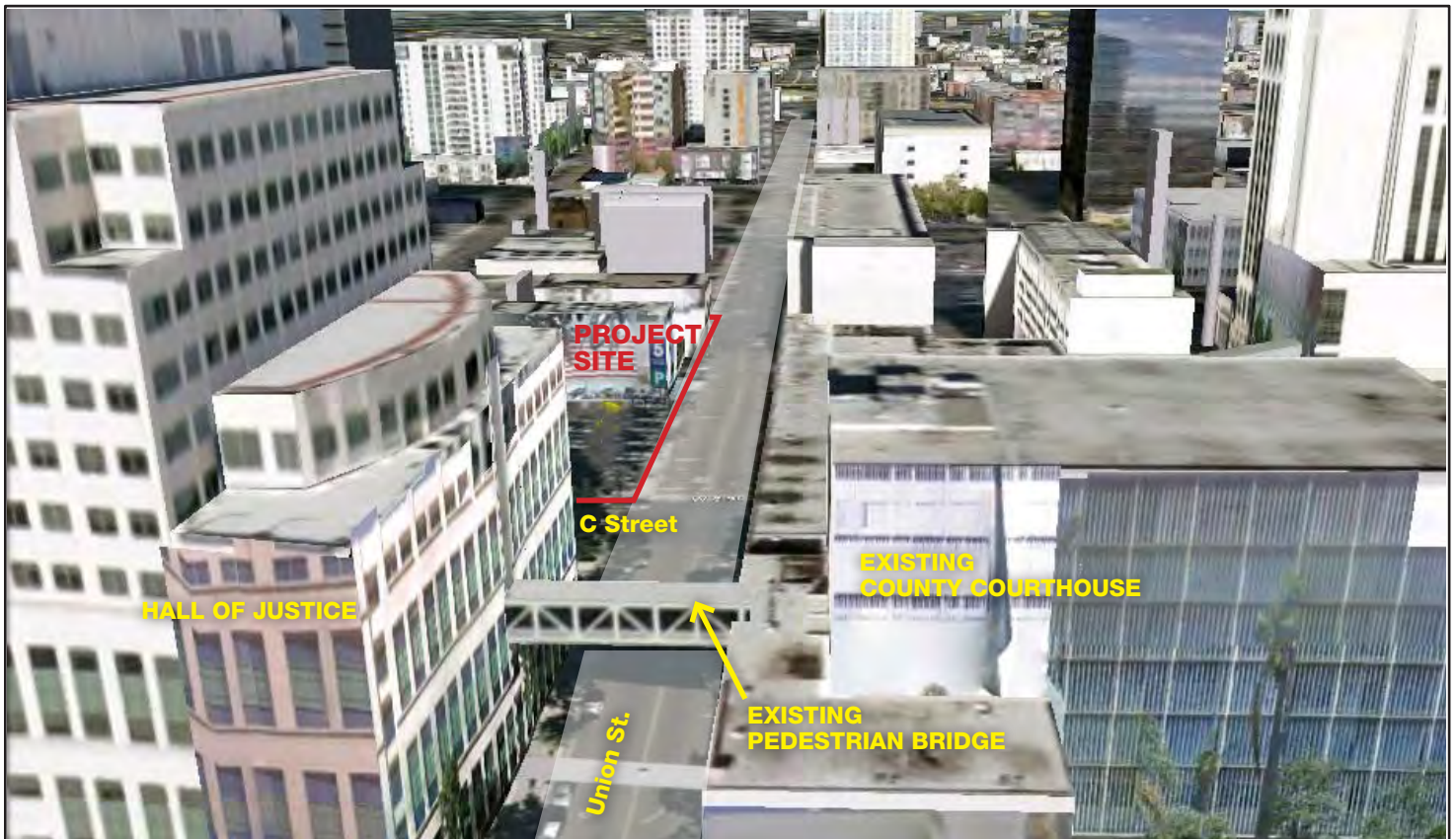
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View 1: Looking north along Union Street from Broadway.



View 2: Looking west from Front Street towards Project Site.

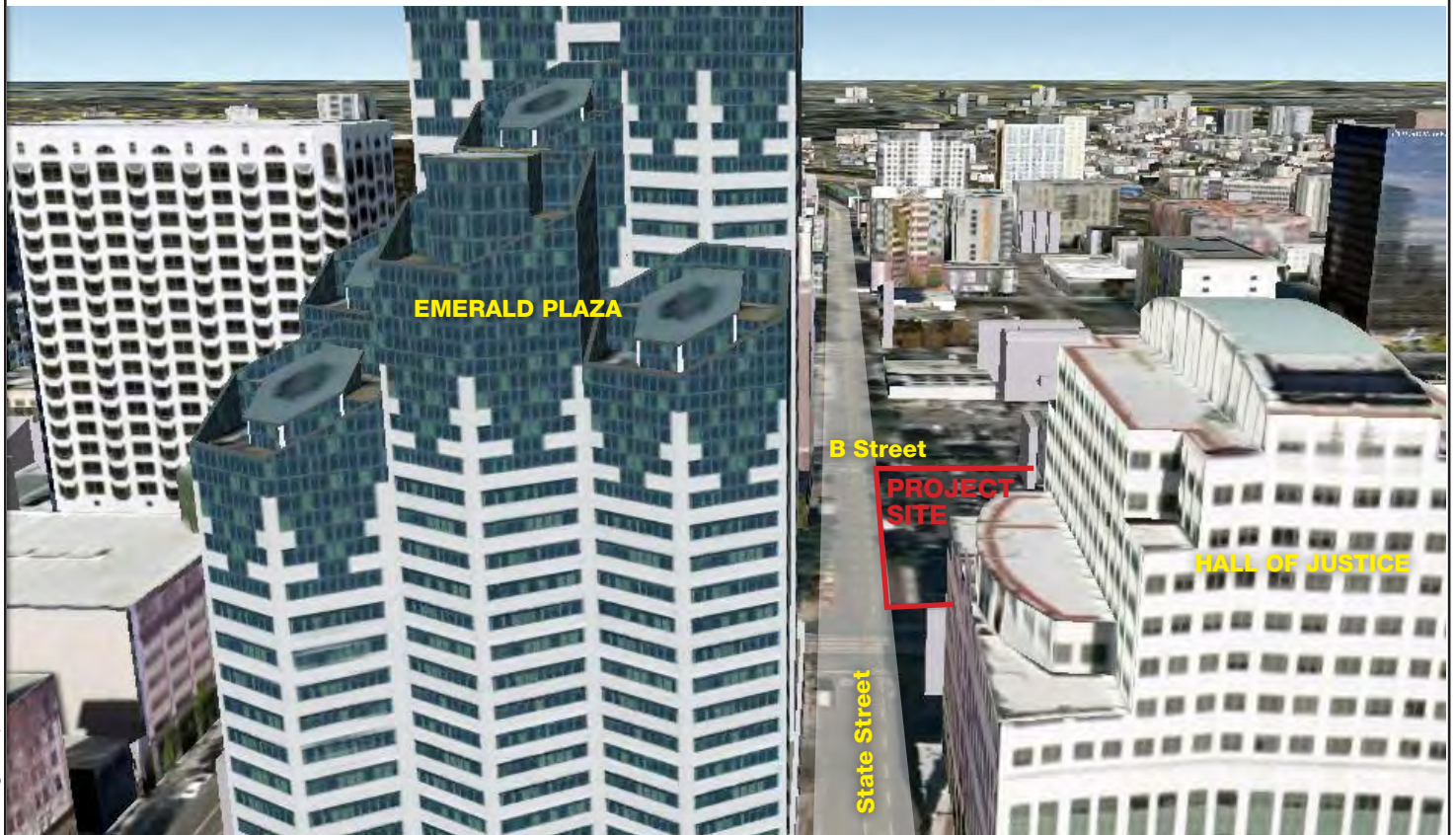
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View 3: Looking south along Union Street from A Street.



View 4: Looking north along State Street from Broadway.

Source: Google Maps 2010.

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View 5: Looking east along C Street from India Street.



View 6: Looking south along State Street from A Street.

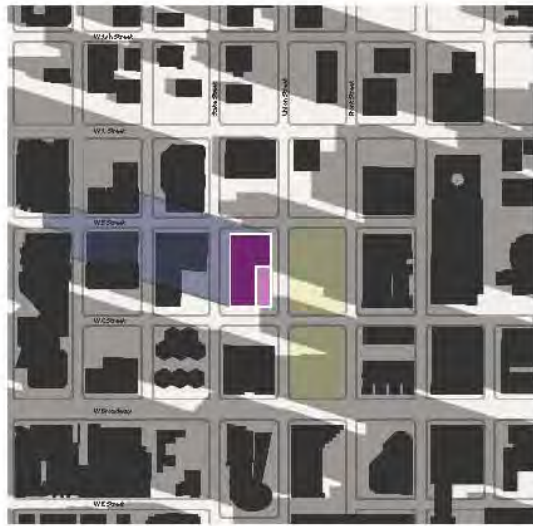
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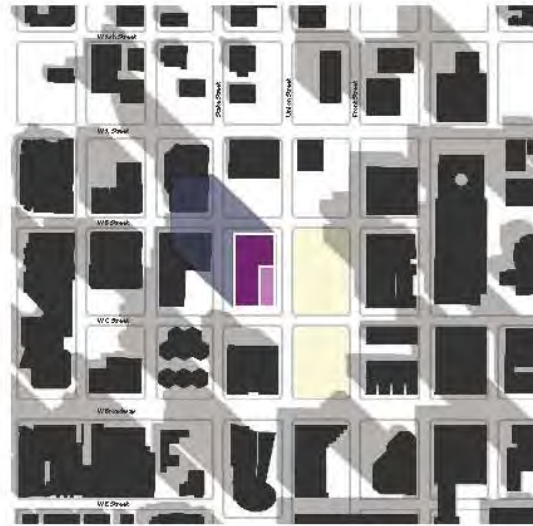


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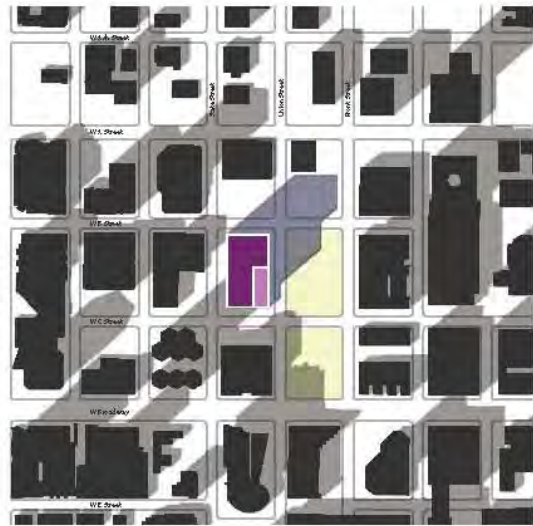
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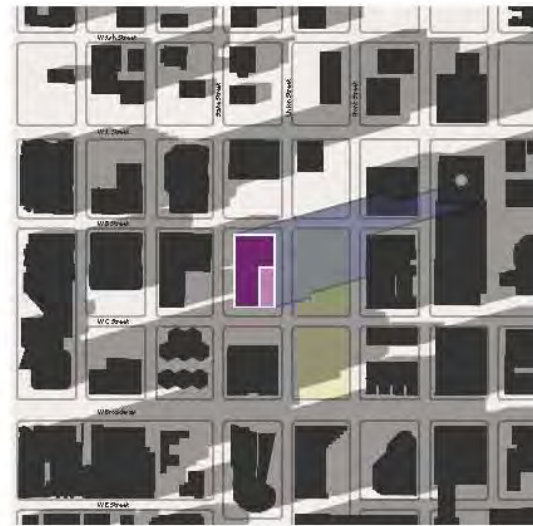
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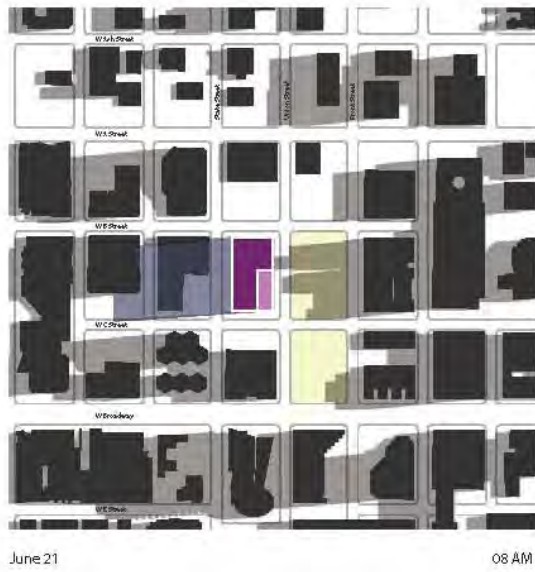


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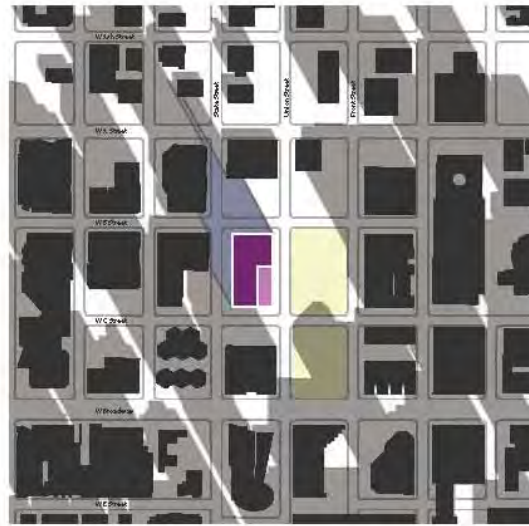


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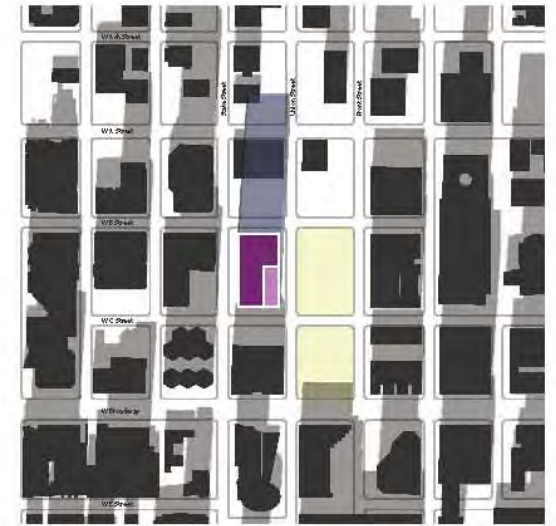
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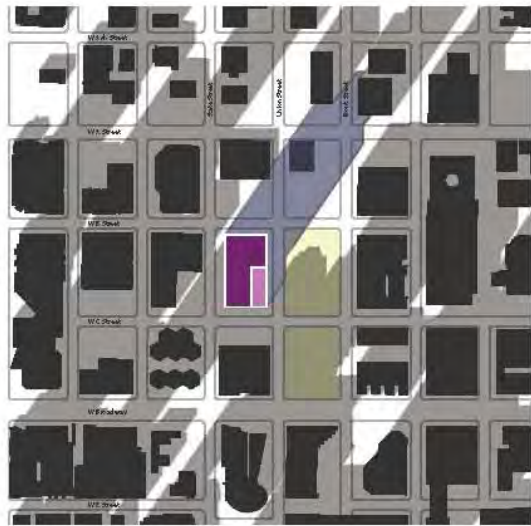
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## 4.3 AGRICULTURAL RESOURCES

This section has been prepared to address potential impacts on agricultural resources associated with the proposed Project.

### 4.3.1 Environmental Setting

The Project site is located in an urban area of downtown San Diego. The Project site is currently developed with several existing commercial uses, with the majority of the site supporting a surface parking lot. The surrounding area is generally developed with high density civic uses and commercial businesses. There are no known active agricultural uses or operations on the Project site or within the surrounding area.

### 4.3.2 Analytical Framework

As the Project is located in an urban setting in downtown San Diego, there are no agricultural resources in the surrounding area. The Project was found to have no impact on agricultural resources.

### 4.3.3 Standards of Significance

For purposes of evaluating impacts in this EIR, the AOC considers an impact to be significant if:

- The Project will convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- The Project will conflict with existing zoning for agricultural use, or a Williamson Act contract; or,
- The Project will involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

#### 4.3.4 Potential Impacts and Mitigation Measures

**Potential Impact:** (AG-1) Will the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**No Impact.**

The Project site does not contain any lands identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. As such, the Project will not result in the conversion of such lands to non-agricultural use. No significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

**Potential Impact:** (AG-2) Will the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**No Impact.**

The Project will not affect any properties zoned for agricultural use or affected by a Williamson Act Contract. No significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

**Potential Impact:** (AG-3) Will the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

**No Impact.**

The Project site is in a highly urbanized area in downtown San Diego. Surrounding land uses include high-density, larger-scale institutional, commercial, and limited residential uses. As such, no Farmland or agricultural lands are present. Development of the Project site with the proposed Central Courthouse will therefore not result in impacts to existing agricultural uses, or cause the conversion of agricultural lands to a non-agricultural use. Therefore, no significant impacts will occur, and no mitigation is required.

Mitigation Measures: None required.

## 4.4 AIR QUALITY

This section describes the existing air quality within the Project area and evaluates the Project's potential impacts on air quality.

### 4.4.1 Environmental Setting

The Project is located within the State of California's San Diego Air Pollution Control District (the "Air District"), which includes the entire County. San Diego County encompasses an area of over 4,000 square miles in the southwest corner of California. The County is bounded on the north by Orange County and Riverside County, on the east by Imperial County, on the south by Mexico, and on the west by the Pacific Ocean. The northwest to southeast trending Peninsular Range is the most prominent topographic feature in the regions. The Peninsular Range includes the Santa Ana, Agua Tibia, Palomar, Hot Springs, Aguanga, Volcan, Cuyamaca, and Laguna Mountain systems and reaches a maximum elevation of over 6,500 feet above mean sea level.<sup>1</sup>

#### 4.4.1.1 Climate and Meteorology

The Project area, like the rest of San Diego County, has a warm-summer Mediterranean climate characterized by warm, dry summers and mild, wet winters. The maximum and minimum average temperatures are 84°F and 44° F, respectively. Precipitation in the area averages 13 inches annually, 90 percent of which falls between November and April. The prevailing wind direction is from the west-northwest with an annual mean speed of 8 to 10 miles per hour.<sup>2</sup> Sunshine is usually plentiful in the Project area, but night and morning cloudiness is common during the spring and summer. Fog can occur occasionally during the winter.

The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that which occurs at the base of the coastal mountain range.

Fluctuations in the strength and pattern of winds from the Pacific High Pressure Zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the San Diego Air Basin. Beneath the

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<sup>1</sup> [http://www.projectcleanwater.org/html/watershed\\_sdhr.html](http://www.projectcleanwater.org/html/watershed_sdhr.html)

<sup>2</sup> NOAA 2006

inversion layer, pollutants become “trapped” as their ability to disperse diminishes. The mixing depth is the area under the inversion layer. Generally, the morning inversion layer is lower than the afternoon inversion layer. The magnitude of the change between the morning and afternoon mixing depths determines the ability of the atmosphere to disperse pollutants.

The prevailing westerly wind pattern is sometimes interrupted by regional “Santa Ana” conditions. A Santa Ana condition occurs when a strong high pressure develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds over the mountains and out to sea.

Strong Santa Ana winds tend to blow pollutants out over the ocean and produce clear days; however, at the onset or during breakdown of these conditions or if the Santa Ana condition is weak, local air quality may degrade. In these cases, winds blow the San Diego Air Basin emissions out over the ocean, and low pressure over Baja California draws this pollutant-laden air mass southward. As the high pressure weakens, prevailing northwesterly winds reassert themselves and send these pollutants ashore in the San Diego Air Basin. When this event does occur, the combination of transported and locally produced contaminants produce the worst air quality measurements recorded in the basin.

#### 4.4.1.2 Criteria Air Pollutants

Regulatory agencies have classified a group of pollutants as “criteria air pollutants” and adopted ambient standards and region-wide pollution reduction plans for the pollutants. This group of pollutants includes ozone, carbon monoxide, nitrogen dioxide, sulfur oxides, particulate matter (PM), and lead. The Air District also regulates volatile organic compounds (or “reactive organic gases”) and oxides of nitrogen as criteria pollutants because they are precursors to ozone formation. The primary health effects of the criteria air pollutants are as provided in *Table 4.4-1: Criteria Air Pollutants’ Effects on Health*.

Table 4.4-1: Criteria Air Pollutants’ Effects on Health

Pollutant	Health Effect
Ozone	Aggravation of respiratory and cardiovascular diseases; impairment of cardiopulmonary function; and eye irritation
Carbon Monoxide	Impairment of oxygen transport in the bloodstream; aggravation of cardiovascular disease; impairment of central nervous system function; fatigue, headache, confusion, dizziness; death at high levels of exposure; and aggravation of some heart diseases (angina).
Nitrogen Dioxide	Risk of acute and chronic respiratory disease
Sulfur Dioxide	Aggravation of respiratory diseases (asthma, emphysema); reduced lung function; and irritation of eyes

Table 4.4-1: Criteria Air Pollutants' Effects on Health, continued

Pollutant	Health Effect
Particulate Matter	Increased risk of chronic respiratory disease; reduced lung function; increased cough and chest discomfort; and particulates may lodge in and irritate the lungs.

- 1 Table 4.4-2: Local Air Quality Levels summarizes the frequency of violations and current air  
 2 quality conditions at the closest station near the Project for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>.

3 Table 4.4-2: Local Air Quality Levels

Pollutant	California Standard	Federal Primary Standard	Year	Maximum <sup>2</sup> Concentration	Days (Samples) State/Federal Std. Exceeded
1-hour Ozone <sup>1</sup>	0.09 ppm for 1 hour	NA <sup>5</sup>	2005 2006 2007 2008	0.074 ppm 0.082 0.087 0.087	0/0 0/0 0/0 0/0
8-hour Ozone <sup>1</sup>	0.07 ppm for 8 hours	0.075 ppm for 8 hours	2005 2006 2007 2008	0.063 ppm 0.071 0.073 0.073	0/0 1/0 1/0 1/0
Carbon Monoxide <sup>1</sup>	9.0 ppm for 8 hour	9.0 ppm for 8 hour	2005 2006 2007 2008	3.10 ppm 3.27 3.01 2.60	0/0 0/0 0/0 0/0
Nitrogen Dioxide <sup>1</sup>	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2005 2006 2007 2008	0.100 ppm 0.094 0.098 0.091	0/NA 0/NA 0/NA 0/NA
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>1, 4</sup>	No Separate Standard	35: g/m <sup>3</sup> for 24 hours	2005 2006 2007 2008	44.1 µg/m 63.3 69.6 42.0	NA/NM NA/2.1 NA/8.9 NA/3.5
Particulate Matter (PM <sub>10</sub> ) <sup>1, 3, 4</sup>	50 :g/m <sup>3</sup> for 24 hours	150 :g/m <sup>3</sup> for 24 hours	2005 2006 2007 2008	78.0 µg/m 74.0 111.00 59.0	5/0 11/0 4/0 4/0

Source: Aerometric Data Analysis and Measurement System (ADAM), summaries from 2004 to 2008, <http://www.arb.ca.gov/adam>.

ppm = parts per million; PM<sub>10</sub> = particulate matter 10 micrometers in diameter or less; NM = not measured; µg/m<sup>3</sup> = micrograms per cubic meter; PM<sub>2.5</sub> = particulate matter 2.5 micrometers in diameter or less; NA = not applicable.

Notes:

1. Data collected from the San Diego Monitoring Station- 1110A Beardsley St, San Diego CA 92112.
2. Maximum concentration is measured over the same period as the California Standards.
3. PM<sub>10</sub> exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
4. PM<sub>10</sub> and PM<sub>2.5</sub> exceedances are derived from the number of samples exceeded, not days.
5. The Federal standard was revoked in June 2005.

## *Ozone*

Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratosphere (the "good" ozone layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays.

"Bad" ozone is a photochemical pollutant. Volatile organic compounds and nitrogen oxides react with sunlight to form ozone. To reduce ozone concentrations, it is necessary to control the emissions of these ozone precursors. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

## *Carbon Monoxide*

Carbon monoxide is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all carbon monoxide emissions.

## *Nitrogen Dioxide*

Nitrogen oxides are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. Nitrogen dioxide (often used interchangeably with nitrogen oxides) is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of nitrogen dioxide occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries and other industrial operations).

## *Coarse Particulate Matter (PM<sub>10</sub>)*

PM<sub>10</sub> refers to suspended particulate matter which is smaller than 10 micrometers or ten one-millionths of a meter. PM<sub>10</sub> arises from sources such as road dust, diesel soot, combustion products, construction operations and dust storms. PM<sub>10</sub> scatters light and significantly reduces visibility. In addition, PM<sub>10</sub> tends to collect in the upper portion of the respiratory system and can potentially damage the respiratory tract. Major sources of PM<sub>10</sub>

1 include crushing or grinding operations; dust stirred up by vehicles traveling on roads;  
2 wood burning stoves and fireplaces; dust from construction, landfills, and agriculture;  
3 wildfires and brush/waste burning activities; industrial sources; windblown dust from open  
4 lands; and atmospheric chemical and photochemical reactions.

### 5 *Fine Particulate Matter (PM<sub>2.5</sub>)*

6 Fine particulate matter, or PM<sub>2.5</sub>, refers to particles that are 2.5 micrometers or less in  
7 diameter, roughly 1/28th the diameter of a human hair. Sources of primary PM<sub>2.5</sub> emissions  
8 include fuel combustion from motor vehicles, power generation, industrial facilities,  
9 residential fireplaces, and wood stoves. In addition, PM<sub>2.5</sub> can be formed in the atmosphere  
10 from gases such as sulfur dioxide, nitrogen oxides, and volatile organic compounds. PM<sub>10</sub>  
11 tends to collect in the upper portion of the respiratory system, but PM<sub>2.5</sub> can penetrate  
12 deeper into the lungs and damage lung tissues.

### 13 *Reactive Organic Gases and Volatile Organic Compounds*

14 There are several subsets of organic gases including reactive organic gases and volatile  
15 organic compounds. Both reactive organic gases and volatile organic compounds are  
16 emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The  
17 major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled  
18 power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions,  
19 and paint (via evaporation).

#### 20 4.4.1.3 Sensitive Receptors

21 Some land uses' population groups or activities are more sensitive to substantial pollutant  
22 concentrations than others. Sensitive population groups include children, the elderly, and  
23 the acutely and the chronically ill, especially those with cardio-respiratory diseases.  
24 Residential areas are also sensitive to air pollution because residents (including children and  
25 the elderly) tend to be at home for extended periods of time, resulting in sustained exposure  
26 to any pollutants present.

27 Since the proposed courthouse site has commercial buildings and a parking lot, it has no  
28 sensitive receptors. Adjacent buildings and land uses include the Hall of Justice south of the  
29 Stahlman Block, a parking lot and commercial building and the W Hotel along State Street  
30 next to the courthouse site, a parking lot and commercial buildings north of the Stahlman  
31 Block, and the County Courthouse; these buildings and land uses also have no sensitive  
32 receptors. There are no sensitive receptors adjacent to the County Courthouse and Old Jail.  
33 The adjacent buildings and land uses include the County Motor Pool, the City's Central Fire  
34 Station, the Central Jail, a bus station, and the Sofia Hotel.

#### 4.4.1.4 Greenhouse Gases

The natural process through which heat is retained in the troposphere is called the “greenhouse effect.”<sup>3</sup> The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and, greenhouse gases in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant greenhouse gases are water vapor and carbon dioxide. Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of greenhouse gases, scientists have established a Global Warming Potential for each greenhouse gas based on its ability to absorb and re-radiate long wave radiation and uses carbon dioxide as the reference gas with a Global Warming Potential of one (1).

Greenhouse gases include:<sup>4</sup>

- Water Vapor. Although water vapor has not received the scrutiny of other greenhouse gases, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers and transpiration from plants, contribute approximately 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human-related source of water vapor comes from fuel combustion in motor vehicles; however, this is not believed to contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor.
- Carbon Dioxide. Carbon dioxide is the most widely emitted greenhouse gas; fossil fuel combustion in stationary and mobile sources is the primary source of emissions. Due to the emergence of industrial facilities and mobile sources in the past 250 years, the concentration of carbon dioxide in the atmosphere has increased 35 percent.<sup>5</sup>
- Methane. Methane emissions come from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. In the United States, the top three sources of methane are landfills, natural gas systems,

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<sup>3</sup> The troposphere is the bottom layer of the atmosphere, which extends 10 to 12 miles above the Earth's surface.

<sup>4</sup> All Global Warming Potentials are given as 100-year Global Warming Potential. Unless noted otherwise, all Global Warming Potentials were obtained from the Intergovernmental Panel on Climate Change. (Intergovernmental Panel on Climate Change, *Climate Change, The Science of Climate Change – Contribution of Working Group I to the Second Assessment Report of the IPCC*, 1996).

<sup>5</sup> United States Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990 to 2004*, April 2006, <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>.



and enteric fermentation. Methane is the primary component of natural gas, which is used for space and water heating, steam production, and power generation. The Global Warming Potential of methane is 21.

- Nitrous Oxide. Nitrous oxide production sources include natural and human-related sources. Primary human-related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The Global Warming Potential of nitrous oxide is 310.
- Hydrofluorocarbons. Hydrofluorocarbons are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of hydrofluorocarbons for cooling and foam blowing is growing, as the continued phase out of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) gains momentum. The Global Warming Potential of hydrofluorocarbons range from 140 for Hydrofluorocarbon-152a to 6,300 for Hydrofluorocarbon-236fa.
- Perfluorocarbons. Perfluorocarbons are compounds consisting of carbon and fluorine. They are primarily created as a by-product of aluminum production and semiconductor manufacturing. Perfluorocarbons are potent greenhouse gases with a Global Warming Potential several thousand times that of carbon dioxide, depending on the specific perfluorocarbon. Another area of concern regarding perfluorocarbons is their long atmospheric lifetime (up to 50,000 years).<sup>6</sup> The Global Warming Potential of perfluorocarbons range from 5,700 to 11,900.
- Sulfur hexafluoride. Sulfur hexafluoride is a colorless, odorless, nontoxic, nonflammable gas. It is most commonly used as an electrical insulator in high voltage equipment that transmits and distributes electricity. Sulfur hexafluoride is the most potent greenhouse gas that has been evaluated by the Intergovernmental Panel on Climate Change with a Global Warming Potential of 23,900; however, its global warming contribution is not as high as the Global Warming Potential indicates due to its low mixing ratio compared to carbon dioxide (4 parts per trillion in 1990 versus 365 parts per million).<sup>7</sup>

### *Electricity Consumption*

The process of generating electricity is the single largest source of emissions in the United States, representing 34 percent of emissions from all sources across the country in 2007.

<sup>6</sup> Energy Information Administration, *Other Gases: Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride*, October 29, 2001, [http://www.eia.doe.gov/oiaf/1605/gg00rpt/other\\_gases.html](http://www.eia.doe.gov/oiaf/1605/gg00rpt/other_gases.html).

<sup>7</sup> United States Environmental Protection Agency, *High GWP Gases and Climate Change*, October 19, 2006, <http://www.epa.gov/highgwp/scientific.html#sf6>.

Electricity generation also accounted for the largest share of carbon dioxide emissions from fossil fuel combustion, approximately 42 percent in 2007. Electricity was consumed primarily by users in the residential, commercial, and industrial sectors for lighting, heating, electric motors, appliances, electronics, and air conditioning.<sup>8</sup>

The electricity consumption by the existing courthouse in the year 2009 was 4,561,854 kilowatt hours. This existing courthouse, which the County completed in 1961, is 503,000 BGSF, and the Old Jail is 133,825 BGSF. The electrical usage equates to approximately 9 kilowatt hours per year per square foot. The Old Central Jail's electrical consumption in 2009 was 2,044,813 kilowatt hours,<sup>9</sup> which is approximately 15 kilowatt hours per year per square foot.

### *Effects of Climate Change on the Project*

Changes to the global climate system and ecosystems and to California might include:

- The loss of sea ice and mountain snowpack resulting in higher sea levels and higher sea surface evaporation rates with a corresponding increase in tropospheric water vapor due to the atmosphere's ability to hold more water vapor at higher temperatures;<sup>10</sup>
- Rise in global average sea level primarily due to thermal expansion and melting of glaciers and ice caps and the Greenland and Antarctic ice sheets;<sup>11</sup>
- Changes in weather that include widespread changes in precipitation, ocean salinity, and wind patterns, and more energetic extreme weather including droughts, heavy precipitation, heat waves, extreme cold, and the intensity of tropical cyclones;<sup>12</sup>
- Decline of the Sierra snowpack (which accounts for approximately half of the surface water storage in California) by 70 percent to as much as 90 percent over the next 100 years;<sup>13</sup>
- Increase in the number of days conducive to ozone formation by 25 to 85 percent (depending on the future temperature scenario) in high ozone areas of Los Angeles and the San Joaquin Valley by the end of the 21<sup>st</sup> century;<sup>14</sup> and,

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<sup>8</sup> United States Environmental Protection Agency, *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2008*, April 15, 2010. <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>

<sup>9</sup> Personal communication, Eric Noonan, Warden, Western Region Detention Facility to Jerome Ripperda, Environmental Analyst, AOC, July 7, 2010.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> California Environmental Protection Agency, Climate Action Team, Climate Action Team Report to Governor Schwarzenegger and the Legislature (Executive Summary), March, 2006.

- High potential for erosion of California's coastlines and sea water intrusion into the Delta and levee systems due to the rise in sea level.<sup>15</sup>

## 4.4.2 Analytical Framework

### 4.4.2.1 Analytical Methodology

#### *Criteria Air Pollutant Emissions*

The EIR's analysts assessed potential impacts from the Project's air emissions by estimating emission rates from construction and on-going operations using the publicly available software, URBEMIS version 9.2.4 and then comparing the emissions with significance criteria. URBEMIS allows users to estimate construction and operational emissions of inhalable particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), carbon monoxide, reactive organic gases, sulfur oxides, oxides of nitrogen, and carbon dioxide.

Diesel particulate matter and other particulate matter are the two pollutants of greatest concern for the construction portion of this project. Diesel particulate matter emissions are primarily attributable to on- and off-road construction vehicles. Particulate matter emissions are a result, primarily, of soil-disturbing activities during construction. In URBEMIS, analysts can divide construction into the following seven components:

- Demolition
- Fine Site Grading
- Mass Site Grading
- Trenching
- Building Construction
- Architectural Coating
- Paving

Operational emissions will occur primarily from, worker commute traffic, maintenance vehicle travel to and from the sites, and use of backup and emergency generators. Ozone precursors (volatile organic compounds/reactive organic gases), diesel particulate matter and particulate matter are the pollutants of primary concern for the operational phase of this project.

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

1 Input parameters and model results for URBEMIS model runs are in *Appendix B*. The air  
2 quality analysis compares output from URBEMIS with significance criteria to evaluate  
3 whether a threshold will be exceeded. The URBEMIS model also allows the user to input  
4 mitigation measures and predict their effects on chemical and particle emission rates.  
5 Analysts can infer diesel particulate matter emissions by assessing the PM<sub>2.5</sub> levels identified  
6 in the URBEMIS output data.

### 7 *Health Risk Assessment*

8 Health risk assessments for diesel emission's particulate matter are typically conducted for  
9 areas that expose sensitive receptors to high concentrations of diesel engine particulate over  
10 a long period of time. Per guidelines of the California Office of Environmental Health  
11 Hazard Assessment and the California Air Pollution Control Officers Association,  
12 estimating the cancer risk from diesel engine particulate is typically not required for  
13 construction activities as the construction activities occur for a short period of time and  
14 therefore will not measurably increase cancer risk. To provide a conservative analysis of  
15 construction impacts, analysts performed a screening analysis using the U.S. Environmental  
16 Protection Agency-approved SCREEN3 model.

17 Equipment used in construction operations only operate in one location for a short time  
18 relative to the length of time required for carcinogenic and chronic health impacts. No  
19 official non-cancer acute (short-term) reference exposure level exists for diesel particulates.  
20 Although a cancer risk factor has been established for diesel particulate matter, the  
21 California Office of Environmental Health Hazard Assessment cancer risk factors assume a  
22 continuous exposure over a 70-year timeframe. Construction activities will be temporary  
23 (approximately 28 months) and will not result in a 70-year exposure.

### 24 *Greenhouse Gases*

25 The Project will generate carbon dioxide, nitrogen dioxide, and methane, but it will not  
26 generate other forms of greenhouse gas emissions in quantities that will facilitate a  
27 meaningful analysis. Therefore, this analysis focuses on carbon dioxide, nitrogen dioxide,  
28 and methane. Analysts used the URBEMIS 2007 version 9.2.4 computer model to calculate  
29 carbon dioxide emissions. After calculating nitrogen dioxide and methane emissions in  
30 metric tons/year, analysts converted the emissions to metric tons of carbon dioxide  
31 equivalent per year utilizing the U.S. Environmental Protection Agency's greenhouse gas  
32 equivalencies calculator. Converting emissions to comparable units (metric tons of carbon  
33 dioxide equivalent per year) allows for the summation of all greenhouse gas emissions.

## 1    Construction Emissions

2    Analysts calculated projected construction-related carbon dioxide, nitrogen dioxide, and  
3    methane emissions for years 2014 through 2017. The AOC's analysis considers construction  
4    emissions from the 2014-2017 construction phases separately from the operational phase's  
5    emissions.

## 6    Operational Emissions

7    For mobile emissions, the air quality analyst's URBEMIS 2007 model relied upon trip data  
8    within the *Traffic Impact Analysis Report* and Project-specific land use data to calculate  
9    emissions. *Appendix H's Traffic Impact Analysis Report* accounts for the Project's changes to  
10   existing traffic circulation patterns in the vicinity of the Project's new courthouse site. For  
11   calculation of mobile source emissions, the Project adds 134 trips for the new courtrooms,  
12   and analysts used 134 daily traffic trips in the analysis to calculate direct Project-related  
13   greenhouse gas emissions.

14   For natural gas, electricity, and water emissions, analysts based calculations on 247,000  
15   BGSF, which is the difference between the proposed new courthouse's projected 750,000  
16   BGSF and the existing County Courthouse's 503,000 BGSF. To account for the Project's  
17   demolition of 45,000 BGSF buildings on the Stahlman Block, which equals approximately 18  
18   percent of the area of the 247,000 BGSF, analysts subtracted 18 percent of the emissions as a  
19   credit for removal of the Stahlman Block buildings.

20   Pursuant to the Judicial Council's Design Standards and the Green Building Order signed  
21   by the Governor, all new State buildings must meet a LEED Silver or higher standard.  
22   Furthermore, the California Green Building Standards (Title 24) require building materials  
23   and building codes to implement energy efficient designs. Therefore, analysts incorporated  
24   a 15% enhanced efficiency-related deduction into calculations of the new courthouse's  
25   natural gas, electricity, and water consumption.

26   Analysts included Project-related natural gas consumption as an "area source" component  
27   of direct emissions. To estimate natural gas consumption, analysts followed the  
28   recommendations provided in the South Coast Air Quality Management Districts' *CEQA*  
29   *Air Quality Handbook*, and utilized land use specific usage rates, which are calculated from  
30   an average provided by Southern California Edison, and Los Angeles Department of Water  
31   and Power. Analysts used the usage rate of 2.0 (average for Southern California Edison and  
32   Los Angeles Department of Water and Power) and multiplied it by the net increase in  
33   building square-feet to obtain greenhouse gas emissions associated with natural gas.

34   Analysts calculated electricity consumption emissions using the South Coast Air Quality  
35   Management District's *California Environmental Quality Act Air Quality Handbook*, which has

the most comprehensive demand factors available,<sup>16</sup> the U.S. Energy Information Administration,<sup>17</sup> and Project-specific land use data provided by the Applicant; refer to *Appendix B, Air Quality Analysis Data*. The emission factors for electricity use (771.62 pounds of carbon dioxide per megawatt hour, 0.00659 pounds of nitrous oxide per megawatt hour, and 0.4037 pounds of methane per megawatt hour) are from the U.S. Energy Information Administration

Analysts estimated water usage based on typical end usage rates for restaurant, commercial, and office uses. Emissions are based on energy usage factors for water conveyance from the California Energy Commission, *Water Energy Use in California*.<sup>18</sup> Analysts based the Project's Water demand on the existing water consumption of the County Courthouse, which was 8.3 acre-feet in 2009.<sup>19</sup>

#### 4.4.2.2 Regulatory Background

### *Ambient Air Quality Standards*

#### Federal

The U.S. EPA is responsible for implementing the Federal Clean Air Act, which was first enacted in 1955 and amended numerous times after. The Federal Clean Air Act established Federal air quality standards known as the National Ambient Air Quality Standards. These standards identify levels of air quality for "criteria" pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare. The criteria pollutants are ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter less than 10 and 2.5 micrometers in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>, respectively), and lead; refer to *Table 4.4-3: Ambient Air Quality Standards and Air Pollution Control District Attainment Status*.

#### State

The Air Resources Board administers the air quality policy in California. The California Ambient Air Quality Standards were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the National Ambient Air Quality Standards in *Table 4.4-3*, are generally more stringent and apply to more pollutants than the National Ambient Air Quality Standards. In addition to the criteria pollutants, California Ambient Air Quality

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<sup>16</sup> South Coast Air Quality Management District's California Environmental Quality Act Air Quality Handbook,<sup>16</sup> Table A9-11, November 1993.

<sup>17</sup> U.S. Energy Information Administration, Domestic Electricity Emissions Factors 1999-2002.

<sup>18</sup> Accessed March 2010. <http://www.energy.ca.gov/research/iaw/industry/water.html>

<sup>19</sup> Personnel communication, Amie Meagen, County of San Diego to Jerome Ripperda, AOC, July 21, 2010.

Standards have been established for visibility-reducing particulates, hydrogen sulfide, and sulfates.

The California Clean Air Act, which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan to achieve compliance with the California Ambient Air Quality Standards. These Air Quality Management Plans also serve as the basis for preparation of the State Implementation Plan for the State of California.

Like the U.S. EPA, the Air Resources Control Board also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the California Ambient Air Quality Standards have been achieved. Under the California Clean Air Act, areas are designated as nonattainment for a pollutant if air quality data shows that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. Under the California Clean Air Act, the San Diego Air Basin has a nonattainment designation for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The Basin has an attainment designation for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead; refer to *Table 4.4-3*. Similar to the Federal Clean Air Act, all areas designated as nonattainment under the California Clean Air Act are required to prepare plans showing how the area will meet the California Ambient Air Quality Standards by its attainment dates. The Air Quality Management Plan is the plan for improving air quality in the region.

*Table 4.4-3* shows the standards currently in effect in California and the nation. The U.S. EPA or the California Air Resources Board designates each air basin as a nonattainment area if violations of ambient air quality standards are persistent. *Table 4.4-3* provides the current Air Pollution Control District's attainment status.

Violations of the National Ambient Air Quality Standards and California Ambient Air Quality Standards (discussed below under Federal and State regulations) for ozone, particulate matter, and carbon monoxide have occurred historically in the Project area. Since the early 1970s, the San Diego Air Pollution Control District has made substantial progress toward controlling these pollutants, but violations of ambient air quality standards for ozone and particulate matter persist in the San Diego Air Basin.

#### U.S. Environmental Protection Agency/ California Air Resources Board Off-Road Mobile Sources Emission Reduction Program

Portable sources and temporary activities that emit air contaminants are also managed through the Environmental Protection Agency/California Air Resources Board Off-Road Mobile Sources Emission Reduction Program. The California Clean Air Act mandates that the California Air Resources Board achieve the maximum degree of emission reductions

from all off-road mobile sources to attain the California Ambient Air Quality Standards. Off-road mobile sources include construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. The standards require historically unregulated construction equipment of model year 2000 and later to achieve exhaust standards for nitrogen oxides, volatile organic compounds, carbon monoxide, and PM<sub>10</sub>. These standards and ongoing rulemaking jointly address emissions of nitrogen oxides and toxic particulate matter from diesel combustion. The Air Resources Board is also developing a control measure to reduce diesel particulate matter emissions as well as nitrogen oxides from in-use (existing) off-road diesel equipment throughout the State. The Air Resources Board Owners and began requiring operators of off-road diesel equipment and vehicles to meet fleet emissions targets in 2009. Public agencies and utilities are subject to fleet rules to reduce diesel particulate matter.

Table 4.4-3: Ambient Air Quality Standards and Air Pollution Control District Attainment Status

Pollutant	Averaging Time	California <sup>1</sup>		Federal <sup>2</sup>	
		Standard <sup>3</sup>	Attainment Status	Standards <sup>4</sup>	Attainment Status
Ozone	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Nonattainment	NA <sup>5</sup>	NA <sup>5</sup>
	8 Hours	0.07 ppm (137 µg/m <sup>3</sup> )	Nonattainment	0.075 ppm (147 µg/m <sup>3</sup> )	Nonattainment
Particulate Matter (PM <sub>10</sub> )	24 Hours	50 µg/m <sup>3</sup>	Nonattainment	150 µg/m <sup>3</sup>	Attainment
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	Nonattainment	NA <sup>6</sup>	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hours	No Separate State Standard		35 µg/m <sup>3</sup>	Attainment
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Nonattainment	15 µg/m <sup>3</sup>	Unclassified
Carbon Monoxide	8 Hours	9.0 ppm (10 mg/m <sup>3</sup> )	Attainment	9 ppm (10 mg/m <sup>3</sup> )	Attainment
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Attainment	35 ppm (40 mg/m <sup>3</sup> )	Attainment
Nitrogen Dioxide <sup>7</sup>	Annual Arithmetic Mean	0.030 ppm (56 µg/m <sup>3</sup> )	NA	0.053 ppm (100 µg/m <sup>3</sup> )	Attainment
	1 Hour	0.18 ppm (338 µg/m <sup>3</sup> )	Attainment	0.100 ppm	NA
Lead	30 days average	1.5 µg/m <sup>3</sup>	Attainment	N/A	NA
	Calendar Quarter	N/A	NA	1.5 µg/m <sup>3</sup>	Attainment
Sulfur Dioxide	Annual Arithmetic Mean	N/A	NA	0.030 ppm (80 µg/m <sup>3</sup> )	Attainment
	24 Hours	0.04 ppm (105 µg/m <sup>3</sup> )	Attainment	0.14 ppm (365 µg/m <sup>3</sup> )	Attainment
	3 Hours	N/A	NA	N/A	NA
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Attainment	N/A	NA



Table 4.4-3: Ambient Air Quality Standards and Air Pollution Control District Attainment Status, continued

Pollutant	Averaging Time	California <sup>1</sup>		Federal <sup>2</sup>	
		Standard <sup>3</sup>	Attainment Status	Standards <sup>4</sup>	Attainment Status
Visibility-Reducing Particles	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	<b>No Federal Standards</b>	
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Unclassified		
Vinyl Chloride	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Unclassified		

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million; km = kilometer(s);  
RH = relative humidity; PST = Pacific Standard Time. N/A = Not Applicable

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, suspended particulate matter-PM<sub>10</sub> and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. In 1990, the California Air Resources Board (CARB) identified vinyl chloride as a toxic air contaminant, but determined that there was not sufficient available scientific evidence to support the identification of a threshold exposure level. This action allows the implementation of health-protective control measures at levels below the 0.010 parts per million ambient concentration specified in the 1978 standard.
2. National standards (other than ozone, particulate matter and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. EPA also may designate an area as *attainment/unclassifiable*, if: (1) it has monitored air quality data that show that the area has not violated the ozone standard over a three-year period; or (2) there is not enough information to determine the air quality in the area. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
3. Concentration is expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
5. The Federal 1-hour ozone standard was revoked on June 15, 2005 in all areas except the 14 8-hour ozone nonattainment Early Action Compact (EAC) areas.
6. The Environmental Protection Agency revoked the annual PM<sub>10</sub> standard in 2006 (effective December 16, 2006).
7. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010).

Source: California Air Resources Board and U.S. Environmental Protection Agency, February 16, 2010.

# 1 California Air Resources Board Portable Equipment Registration Program and 2 Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines

3 The Portable Equipment Registration Program allows owners or operators of portable  
4 engines and associated equipment to register the units under a Statewide program to  
5 operate throughout California without obtaining individual permits from multiple local air  
6 districts. The Portable Engine Airborne Toxic Control Measure requires all portable diesel  
7 engines to meet the most stringent of the Federal or California emission standards for  
8 particulate matter from non-road engines in effect at the time they are registered. The

1 Airborne Toxic Control Measure applies to all diesel-fueled portable engines that are 50  
2 horsepower and larger.

### 3 San Diego Air Pollution Control District

4 The Air Resources Board has designated San Diego County as a discrete air basin under the  
5 jurisdiction of the San Diego Air Pollution Control District (the “Air District”). In addressing  
6 its planning role with respect to National Ambient Air Quality Standards, the Air District  
7 has most recently developed an Ozone Redesignation Request and Maintenance Plan, which  
8 served as the basis for the U.S. EPA redesignating the Basin as an attainment zone for the  
9 one-hour ozone standard on July 28, 2003. The basis for that request was the demonstration  
10 that over a three-year period, the Basin had fewer than four instances of one-hour ozone  
11 concentrations exceeding the 0.09 parts per million threshold at any single monitoring  
12 station.

13 The Air District established the Regional Air Quality Strategy in 1991 to address State air  
14 quality planning requirements (focusing on ozone). The Air District is responsible for the  
15 overall development and implementation of the Regional Air Quality Strategy. The Regional  
16 Air Quality Strategy control measures focus on emission sources under the Air District’s  
17 authority, specifically, stationary emission sources and some area-wide sources; however,  
18 the emission inventories and emission projections in the Regional Air Quality Strategy  
19 reflect the impact of all emission sources and all control measures, including those under the  
20 jurisdiction of the Air Resources Board (for example, on-road motor vehicles, off-road  
21 vehicles and equipment, and consumer products) and the U.S.EPA (e.g., aircraft, ships,  
22 trains, and pre-empted off-road equipment). Thus, while legal authority to control different  
23 pollution sources is separated, the Air District is responsible for reflecting Federal, State,  
24 and local measures in a single plan to achieve ambient air quality standards in San Diego  
25 County.

26 Each local air quality management or air pollution control district establishes criteria to  
27 assess a project’s impacts on air quality. The Air District has established annual significance  
28 thresholds for oxides of nitrogen and reactive organic gases for stationary sources; however,  
29 the Air District has not established rules for characterizing impacts from construction.  
30 Absent formal California Environmental Quality Act guidelines on construction thresholds  
31 from the Air District, the Air District informally recommends quantifying construction  
32 emissions and comparing them to significance thresholds found in the Air District  
33 regulations for stationary sources (pursuant to Rule 20.1, et seq.) and shown in *Table 4.4-4:*  
34 *Air Pollution Control District’s Screening Level Thresholds*. If construction-phase emissions  
35 exceed these thresholds for a stationary source air quality impact analysis, then construction  
36 has the potential to violate air quality standards or to contribute substantially to existing  
37 violations.

1 Table 4.4-4: Air Pollution Control District's Screening Level Thresholds

Pollutant	Pounds/Day	Tons/Year
Carbon Monoxide	550	100
Oxides of Sulfur	250	40
Volatile Organic Compounds	75 <sup>1</sup>	40
Oxides of Nitrogen	250	40
Particulate Matter (PM <sub>10</sub> )	100	15
Particulate Matter (PM <sub>2.5</sub> ) <sup>2</sup>	55	Not Applicable

1. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007.

2. The San Diego Air Pollution Control District does not have thresholds of significance for PM<sub>2.5</sub>. As Such, the PM<sub>2.5</sub> Threshold from the South Coast Air Quality Management District (SCAQMD) was utilized<sup>20</sup>

2 Source: San Diego Air Pollution Control District Rule 1501, 20.2(d)(2), 1995.

3 The Air District is the primary agency responsible for planning, implementing, and  
 4 enforcing Federal and State ambient standards in the County of San Diego. The San Diego  
 5 Air Pollution Control District has established the following rules and regulations:

6 Rule 50 – Visible Emissions—The purpose of this rule is to prohibit the emissions of visible  
 7 air contaminants from agricultural operations, open fires, abrasive blasting operations,  
 8 training missions, and other activities to the atmosphere for 3 minutes in any 1 hour;

9 Rule 51 – Nuisance—The purpose of this rule is to prohibit the emission of air contaminants  
 10 that are a nuisance or detriment to the public;

11 Rule 55 – Fugitive Dust Control – The purpose of this rule is to limit fugitive dust emissions  
 12 from construction, demolition, excavation, extraction, and other earthmoving activities;

13 Rule 67– Architectural Coatings – The purpose of this rule is to limit volatile organic  
 14 compound emissions from the application of architectural coatings;

15 Rule 67.7 – Cutback and Emulsified Asphalts – The purpose of this rule is to limit the  
 16 emissions of volatile organic compounds from the application and production of certain  
 17 types of asphalt products; and,

18 Rule 1501 – Federal Conformity – The Federal Conformity Rule prohibits any Federal  
 19 actions that may be inconsistent with Air Pollution Control District's efforts to achieve  
 20 national ambient air quality standards.

<sup>20</sup> Phone conversation with Carl Selnick, Air Quality Specialist, from the San Diego Air Pollution Control District (SDAPCD) on July 17, 2009.

## Greenhouse Gas Measures

### State

Assembly Bill 32. Assembly Bill 32 the California Global Warming Solutions Act of 2006 (Stats 2006, Ch. 488, Assembly Bill 32, (Nuñez); hereafter, AB 32), represents the first enforceable State-wide program to limit greenhouse gas emissions from all major industries, with penalties for noncompliance. Its goal is to limit 2020 greenhouse gas emissions limit to the equivalent of 1990 levels. AB 32 directs the Air Resources Board to develop the programs and requirements necessary to achieve the goals of AB 32. The foremost responsibilities are to adopt regulations that require the reporting and verification of State-wide greenhouse gas emissions, to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, and to monitor compliance and enforcement of any adopted rule, regulation, order, emission limitation, emission reduction measure, or market-based compliance mechanism. Assembly Bill 32 allows the Air Resources Board to adopt market-based compliance mechanisms to meet the specified requirements.

In December 2008, the Air Resources Board adopted a scoping plan to achieve reductions in greenhouse gas emissions in California. The plan indicates how the Air Resources Board believes that the State can achieve reductions in significant greenhouse gas sources through regulations, market mechanisms, and other actions. The Board's Scoping Plan (California Air Resources Board 2008a) presented a comprehensive set of actions designed to reduce overall carbon emissions in California, improve California's environment, reduce dependence on oil, diversify California's energy sources, save energy, and enhance public health while creating new jobs and enhancing the growth of California's economy. For State of California agencies, the Scoping Plan emphasized the State's role of setting an example to meet improved energy standards for new State buildings. The Board also concluded that the State of California should set an example by requiring all new State buildings to exceed existing energy standards and meet nationally recognized building sustainability standards such as LEED Gold Certified ratings. However, the Judicial Council established a LEED Silver standard for new State courthouses, and Governor Schwarzenegger's Green Building Order (State of California, 2004) requires new State buildings to be built to LEED Silver or higher standard. The California Building Standards Commission adopted green building standards on 17 July 2008 by amending the 2007 California Green Building Standards Code, Title 24 of the California Code of Regulations, Part 11.

Senate Bill 97. Senate Bill 97 of 2007 required the California Office of Planning and Research to develop California Environmental Quality Act guidelines for analysis and, if necessary, the mitigation of effects of greenhouse emissions to the Resources Agency. The California Environmental Quality Act Guidelines Amendments became effective on March 18, 2010.

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1 San Diego Air Pollution Control District

2 The Air District has not established rules or thresholds for greenhouse gas emissions.

3 South Coast Air Quality Management District

4 Since the Air District has not established rules or thresholds for greenhouse gas emissions.  
5 However, the adjacent South Coast Air Quality Management District (the South Coast Air  
6 District) currently has proposed interim thresholds,<sup>21</sup> and the AOC considered the South  
7 Coast Air District's threshold for guidance. For the purposes of determining whether or not  
8 greenhouse gas emissions from affected projects are significant, the South Coast Air District  
9 assumes that project emissions will include direct, indirect, and life cycle (if available)  
10 emissions during construction and operation. It defines the life of the project as 30 years,  
11 amortizes construction emissions over the 30-year period, and adds amortized construction  
12 emissions to the operational emissions to determine combined emissions.

13 The South Coast Air District directs lead agencies to compare combined emissions to an  
14 applicable interim greenhouse gas significance threshold tier. Tier 1 consists of an  
15 evaluation of whether a project qualifies for any applicable exemption under CEQA; if the  
16 project qualifies for an exemption, no further action is required. If the project does not  
17 qualify for an exemption, then it will move to the next tier, Tier 2, which determines  
18 whether the project is consistent with a greenhouse gas reduction plan that complies with  
19 AB 32 greenhouse gas reduction goals, includes emissions estimates agreed upon by either  
20 Air Resources Board or the South Coast Air District, and has a certified Final CEQA  
21 document. Further, the greenhouse gas reduction plan must include a greenhouse gas  
22 emissions inventory tracking mechanism; process to monitor progress in achieving  
23 greenhouse gas emission reduction targets, and a commitment to remedy the excess  
24 emissions if greenhouse gas reduction goals are not met (enforcement). If the proposed  
25 project is consistent with the qualifying local greenhouse gas reduction plan, the AOC  
26 concludes that the South Coast Air District will conclude that the Project's greenhouse gas  
27 emission impacts are less than significant.

28 City of San Diego

29 City of San Diego General Plan – Conservation Element

30 The General Plan's Conservation Element reflects key goals contained in many other City  
31 and regional plans and programs and will help guide their future updates. The  
32 Conservation Element ties various natural resource-based plans and programs together  
33 using a village strategy of growth and development. It contains policies for sustainable

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<sup>21</sup> Available at <http://www.aqmd.gov/hb/2008/December/081231a.htm>. Accessed July 27, 2010.

development, preservation of open space and wildlife, management of resources, and other initiatives to protect the public health, safety, and welfare.

Policies which address local greenhouse gas mitigation strategies in San Diego are integrated within the General Plan. Together, this collection of policies support and promote the adopted recommendations outlined in the City's Climate Protection Action Plan (describe in further detail below). The City is continuing to investigate additional steps that can be taken to help reduce greenhouse gas emissions, identify adaptation goals, and curb the impact of climate change at the local level.

#### San Diego Sustainable Community Program

In 2002, the City Council adopted the San Diego Sustainable Community Program. This program established the partnership with the Cities for Climate Protection (CCP) Campaign, which is a program administered by the International Council for Local Environmental Initiatives. To date, more than 800 local governments worldwide participate in the campaign, including 30 cities and counties located in California. The campaign is based on a performance framework structured around five milestones that local governments commit to undertake. Local governments identify the source of greenhouse gas emissions, calculate the volume contributed from energy use, transportation, and waste management, and then develop an action plan to reduce those emissions. The Sustainable Community Program also established San Diego's Greenhouse Gas reduction goal of 15 percent below 1990 levels by the year 2010.

#### City of San Diego Climate Protection Action Plan

The City has a Climate Protection Action Plan that addresses both the greenhouse gas emissions from the community (residential, commercial and industrial sectors) and the greenhouse gas emissions specifically from the operations provided by City government. Each category is broken down into the three major sources: Energy, Waste and Transportation. It tracks greenhouse gas emissions using a standardized computer software program, and the comparison between 1990 and 2004 reveal an interesting trend. The City organization has continued to reduce its share of greenhouse gas emissions through fuel efficiency, energy conservation and the use of renewable energy, and the use of methane gas (biogas) to generate electricity. While this is a good step forward, the larger community has increased the per capita fuel, energy and water use.

### 4.4.3 Standards of Significance

The AOC considers an impact significant if the Project will:

- Conflict with or obstruct implementation of the applicable air quality plan or an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors) or generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment;
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people.

#### 4.4.4 Potential Impacts and Mitigation Measures

##### 4.4.4.1 Applicable Air Quality Plan Conflicts

**Potential Impact:** Will the Project obstruct implementation of the applicable air quality plan?

**No Impact.**

For the Project's operational impacts, the new courthouse's consolidation of 69 existing downtown courtrooms and related demolition of the existing County Courthouse and Old Jail make the Project essentially a replacement of the existing County Courthouse with a new courthouse. Future development of the Project's new courthouse is consistent with the adopted land use plans for the site and will not conflict with the intended land use for the property. The proposed use of the site is consistent with the adopted Downtown Community Plan and Planned Development Ordinance that govern future development within the area. Since the AOC's future development of the Project's courthouse site will be consistent with the adopted land use and zoning, the proposed development will be consistent with regional projections and applicable Regional Transportation Improvement Programs, and it will not create a significant air quality impact. Therefore, the Project will be consistent with the *Regional Air Quality Strategy*, and there are no conflicts with other related State or Federal initiatives.

For construction operations, the AOC requires contractors to comply with regulatory agencies' requirements, which include the Air District's Rule 55 for control airborne dust and vehicles' potential track-out/carry-out, Rule 67 for architectural coatings, Rule 67.7 for

1 asphalt products, and other related Air District rules. Therefore, the project will comply  
2 with the Air District's plans.

3 Since the Project will have no conflicts with applicable plans, the Project will have no  
4 impacts.

5 Mitigation Measures: None required.

#### 6 4.4.4.2 Air Quality Standard Violations

7 **Potential Impact:** (Construction) Will the Project violate any air quality standard or  
8 contribute substantially to an existing or projected air quality violation?

9 Less than Significant Impact.

10 Construction activities associated with the proposed Project include more than 10 different  
11 phases; refer to *Table 3-1: Project Construction Activities*, and *Appendix B, Air Quality Analysis*  
12 *Data*. The first phase consists of the demolition of the existing Stahlman Block Buildings and  
13 will occur in mid-year of 2014. The next phase, mass grading and excavation of the  
14 proposed Project of the site, will commence in 2014 and will last for approximately three  
15 months. The excavation work will utilize double shifts. Excavated material will total  
16 approximately 140,000 cubic yards, and the destination for the material will most likely be  
17 the Otay Landfill, located approximately 11 miles southeast of the proposed Project site.  
18 Trenching and the commencement of building construction will also occur in 2014, with the  
19 majority of other construction work efforts continuing late into 2016. Architectural coatings  
20 will occur in late 2015 and early 2016. The remaining efforts associated with the  
21 construction of the new courthouse, including paving of sidewalks, drives, plazas and other  
22 structures will occur in 2016. Mobilization for demolition and the actual demolition of the  
23 old courthouse might occur in 2017.

24 Analysts' performed URBEMIS modeling for this project, and the URBEMIS assumptions  
25 and output are in *Appendix B*. URBEMIS results are in *Table 4.4-5: Criteria Air Pollutant*  
26 *Emissions from Construction*. Unmitigated PM<sub>10</sub> and PM<sub>2.5</sub> emissions are highest during the  
27 mass grading and excavation phase of a project. Fugitive dust emissions are created from  
28 the movement of large amounts of dirt, which occurs the most during this phase. Although  
29 mass grading results in PM<sub>2.5</sub> emissions from fugitive dust, the quantity of PM<sub>2.5</sub> fugitive  
30 dust emissions are not as large as PM<sub>10</sub> emissions. Exhaust from construction equipment  
31 will also contribute PM<sub>10</sub> and PM<sub>2.5</sub> emissions, but on a much smaller scale than compared to  
32 mass site grading and excavation. The URBEMIS model provides projected air emission  
33 quantities for both unmitigated and mitigated emissions. The URBEMIS default mitigation  
34 measures significantly reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions by including measures such as  
35 watering the project site at least twice daily when needed to reduce the amount of fugitive  
36 dust emissions associated with mass grading and excavation, as well as additional soil



stabilizing measures such as quickly replacing ground cover in disturbed areas; refer to *Appendix B* for details. Additional mitigation includes reducing idling time of construction equipment which will reduce both PM<sub>10</sub> and PM<sub>2.5</sub> exhaust emissions. As indicated in *Table 4.4-5: Criteria Air Pollutant Emissions from Construction*, the calculated mitigated emissions are all below the established Air District's thresholds; therefore, the Project's construction-related impacts will be less than significant. In addition, as stated previously, the Project's construction and demolition operations will comply with the Air District's requirements including Rule 55 Fugitive Dust Control, Rule 67 Architectural Coatings, Rule 67.7 Asphalt, and other rules, further ensuring the Project's construction-related impacts will be less than significant.

Mitigation Measures: None required.

Table 4.4-5: Criteria Air Pollutant Emissions from Construction

Emissions Source	Pollutant (pounds/day) <sup>1</sup>				
	Reactive Organic Gases	Nitrogen Oxides	Carbon Monoxide	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>2</sup>
2014 Construction Emissions	19.47	203.63	91.48	306.59	69.68
2014 Mitigated Construction Emissions	19.47	203.63	91.48	42.39	14.80
<i>Air District Threshold</i>	<i>75<sup>3</sup></i>	<i>250</i>	<i>550</i>	<i>100</i>	<i>55</i>
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2015 Construction Emissions	3.72	21.02	26.59	1.33	1.16
2015 Mitigated Construction Emissions	3.72	21.02	26.59	1.33	1.16
<i>Air District Threshold</i>	<i>75<sup>3</sup></i>	<i>250</i>	<i>550</i>	<i>100</i>	<i>55</i>
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2016 Construction Emissions	25.27	16.26	25.55	1.10	0.94
2016 Mitigated Construction Emissions	23.06	16.26	25.55	1.10	0.94
<i>Air District Threshold</i>	<i>75<sup>3</sup></i>	<i>250</i>	<i>550</i>	<i>100</i>	<i>55</i>
<b><i>Is Threshold Exceeded After Mitigation?</i></b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
2017 Construction Emissions	2.80	19.47	20.56	2.17	1.11
2017 Mitigated Construction Emissions	2.80	19.47	20.56	2.17	1.11
<i>Air District Threshold</i>	<i>75<sup>3</sup></i>	<i>250</i>	<i>550</i>	<i>100</i>	<i>55</i>

Table 4.4-5: Criteria Air Pollutant Emissions from Construction, continued

Emissions Source	Pollutant (pounds/day) <sup>1</sup>				
	Reactive Organic Gases	Nitrogen Oxides	Carbon Monoxide	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>2</sup>
<i>Is Threshold Exceeded After Mitigation?</i>	No	No	No	No	No

Notes:

1. Analysts calculated emissions using the URBEMIS 2007, Version 9.2.4, as recommended by the Air District. Emissions are presented as a total aggregate of emissions from all construction sources.
2. The Air District does not have thresholds of significance for PM<sub>2.5</sub>. The analysis uses PM<sub>2.5</sub> threshold from the South Coast Air Quality Management District.
3. In the absence of thresholds for reactive organic gases from the Air District, the County of San Diego's thresholds of significance were utilized. Refer to County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007.

#### 4.4.4.3 Criteria Air Pollutant Emissions

**Potential Impact:** (Post-Construction, Operations, and Maintenance) Will the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than Significant Impact.

The criteria air pollutant emissions from the operation and maintenance of the Project are included in *Table 4.4-6: Criteria Air Pollutant Emissions from Operations*. These emissions are all below the Air District's thresholds; therefore, the Project's post-construction, operations, and maintenance impacts will be less than significant.

Table 4.4-6: Criteria Air Pollutant Emissions from Operations

Emissions Source	Pollutant (pounds/day) <sup>1</sup>				
	Reactive Organic Gases	Nitrogen Oxides	Carbon Monoxide	PM <sub>10</sub>	PM <sub>2.5</sub> <sup>2</sup>
Area Source	1.69	1.67	2.93	0.01	0.01
Operational (Vehicle)	1.87	0.78	7.12	2.10	0.41
<b>Total Area Source and Operational</b>	3.56	2.45	10.05	2.11	0.42
<i>Air District Threshold</i>	75 <sup>3</sup>	250	550	100	55
<i>Is Threshold Exceeded After Mitigation?</i>	No	No	No	No	No

Notes:

1. Emissions were calculated using the URBEMIS 2007, Version 9.2.4, as recommended by the Air District. Emissions are presented as a total aggregate of emissions from all construction sources.
2. The Air District does not have thresholds of significance for PM<sub>2.5</sub>. The analysis uses PM<sub>2.5</sub> threshold from the South Coast Air Quality Management District.
3. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Draft Guidelines for Determining Significance and Report Format and Content Guidance Requirements Air Quality, March 19, 2007.

Mitigation Measures: None required.

#### 4.4.4.4 Cumulative Increase of Any Criteria Pollutant

**Potential Impact:** Will the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact.

The Air District currently has non-attainment status for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Within the air district, the California Air Resources Board has estimated that daily emissions in the year 2008 of volatile organic compounds, which are precursor chemicals to ozone, and PM<sub>2.5</sub> were 156.6 tons per day for volatile organic compounds, 114.5 tons per day for PM<sub>10</sub>, and 31.6 tons per day for PM<sub>2.5</sub>.<sup>22</sup> In order to determine the Project's contribution of criteria pollutant emissions into the air basin, analysts compared the maximum modeled emissions from the Project to the estimated emissions within the air district. Analysts calculated the maximum modeled emissions associated with operations of the Project using the URBEMIS2007 land use assumptions. Analysts utilized the Project's net increase of 134 traffic trips from the Traffic Study prepared for the Project in the URBEMIS2007 modeling. Based on these assumptions, the maximum modeled emissions from operations of the Project were 3.56 pounds per day of ozone precursors, 2.11 pounds per day of PM<sub>10</sub>, and 0.42 pounds per day of PM<sub>2.5</sub>; as shown in *Table 4.4-6*, the calculated emissions are below the Air District's thresholds. Since the Project will not considerably increase the emission of either ozone, PM<sub>10</sub>, or PM<sub>2.5</sub> in the Air District, the AOC concludes that the Project's impacts will be less than significant.

Mitigation Measures: None required.

#### 4.4.4.5 Sensitive Receptor Exposure to Substantial Pollutant Levels

**Potential Impact:** (Construction) Will the Project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact.

As shown in *Table 4.4-5*, the Project's projected construction-related emissions do not exceed the Air District's thresholds. The AOC concludes that the impacts are less than significant.

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<sup>22</sup>[http://www.arb.ca.gov/app/emsinv/emssumcat\\_query.php?F\\_YR=2008&F\\_SEASON=A&SP=2009&F\\_DIV=-4&F\\_AREA=DIS&F\\_DIS=SD](http://www.arb.ca.gov/app/emsinv/emssumcat_query.php?F_YR=2008&F_SEASON=A&SP=2009&F_DIV=-4&F_AREA=DIS&F_DIS=SD)

1 since the emissions are below the Air District's thresholds and construction operations that  
2 generate substantial emissions will have a limited duration.

#### 3 4.4.4.6 Short-Term Construction Diesel Particulate Matter Emissions

4 The proposed courthouse site is approximately 1.4 acres. Section 3.4.6 provides the duration  
5 of estimated construction activities. Analysts assumed that the project will disturb a  
6 maximum of 0.40 acres per day.

7 Construction vehicle pollutant emission generators primarily include haul truck activities,  
8 graders, pavers, contractor vehicles, and diesel-electric lifts. Analysts derived construction  
9 emissions utilized within the SCREEN3 model from URBEMIS2007 construction outputs for  
10 the Project; refer to *Table 4.4-7*. Note that for cancer-risk potential, PM<sub>10</sub> from diesel exhaust  
11 rather than inert silicates from dust is the single most contributing factor.

12 According to analysts' URBEMIS2007 modeling output, the greatest PM<sub>10</sub> emissions will  
13 total 28.70 pounds per day of PM<sub>10</sub>, which includes 1.93 pounds per day of diesel exhaust;  
14 refer to *Appendix B, Air Quality Analysis Data*, for modeling output information. Typically,  
15 grading and earthwork activities generate the greatest amount of diesel engine particulate  
16 matter. Based upon the on-site emission levels, analysts used the aggregate emission rate as  
17 input into the SCREEN3 model. This methodology essentially applies all of the diesel  
18 emissions over this working area and provides a worst-case assessment of the impacts to  
19 sensitive receptors.

20 The expected diesel construction emission concentrations from the SCREEN3 model are in  
21 *Table 4.4-7: SCREEN 3 Predicted Emission Concentrations*. Based upon the model results, the  
22 particulate matter concentrations are below the inhalation Chronic Risk Factor of 1.0 and the  
23 Cancer Risk Threshold of 10 in one million. Therefore, impacts for cancer risks from toxic air  
24 emissions during construction activities will be less than significant.

**Potential Impact:** (Post-Construction, Operations, and Maintenance) Will the Project  
expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact.

Operations and maintenance associated with this project are typical of other activities in the  
area. The air emissions from operations and maintenance are diffuse in nature and are  
below Air District's threshold levels. Therefore, these emissions are unlikely to affect  
sensitive receptors, and their potential impact is less than significant.

1

Table 4.4-7: SCREEN 3 Predicted Emission Concentrations

Construction Year	Pollutant Concentration (pounds per day)	Calculated Cancer Risk (in a million)	Inhalation Chronic Risk Factor	Significant?
2014	29.48	0.16	0.007	No
<p>Notes:</p> <ol style="list-style-type: none"> <li>SCREEN3 inputs were calculated by converting the diesel engine particulate matter emissions in lbs/day for 2010 construction activities to grams per second per meters squared. The following conversion factors were utilized. <ul style="list-style-type: none"> <li>1 day = 86,400 seconds</li> <li>1 pound = 453.592 grams</li> <li>1 acre = 4,046.873 square meters</li> </ul> </li> <li>Pollutant concentrations based upon SCREEN3 modeling results.</li> <li>The calculated cancer risk was based upon the following equation: <math display="block">Risk = \frac{F_{wind} \times EMFAC \times URF_{70\text{ year exposure}}}{Dilution}</math> <p><i>Risk</i> = is the excess cancer risk (probability in one-million); <i>F<sub>wind</sub></i> = the frequency of the wind blowing from the exhaust source to the receptor (the default value is 1.0); <i>EMFAC</i> = the exhaust particulate emission factor (the level from the screening model); <i>URF<sub>70 year exposure</sub></i> = the CARB unit risk probability factor (300 x 10<sup>-6</sup>, or 300 in a million cancer risk per µg/m<sup>3</sup> of diesel combustion generated PM<sub>10</sub> inhaled in a 70-year lifetime based upon the California Air Resources Board (CARB) 1999 <i>Staff Report from the Scientific Review Panel [SRP] on Diesel Toxics</i>); and, <i>Dilution</i> = the atmospheric dilution ratio during source-to-receptor transport (the default value of 1.0 assumes no dilution).</p> </li> <li>The inhalation chronic risk was based upon the following equation: <p>Inhalation cancer risk = ((Cair*DBR*A*EF*ED*1x10<sup>-6</sup>)/AT)*Inhalation Cancer Potency Factor)</p> <p>Cair = concentration in the air of DPM; DBR = daily breathing rate (303 L/kg-day); A = inhalation absorption factor (1); EF = exposure frequency (250 days/year); AT = average time period of exposure (25,550 days); Inhalation Cancer Potency Factor = 1.1 mg/kg-d)<sup>-1</sup></p> </li> </ol>				

Source: Refer to Appendix B, Air Quality Analysis Data.

## 2 4.4.4.7 Carbon Monoxide Hotspots

3 As indicated in Section 4.15, in Tables 4.15-1, and 4.15-12, and 4.15-14, all Project-vicinity  
4 intersections are currently operating at acceptable levels of service and will continue to  
5 operate at acceptable levels of service after completion of the Project. Since intersections  
6 operating at acceptable levels of service do not produce vehicle and congestion-related  
7 emission and production of elevated carbon monoxide levels, the AOC concludes that there  
8 is no evidence to indicate that carbon monoxide is a problem in the Project's vicinity, and  
9 the absence of intersections with unacceptable levels of service makes an analysis of a  
10 carbon monoxide "hotspot" analysis unnecessary. The Project's carbon monoxide impacts  
11 will be less than significant.

12 Mitigation Measures: None required.

4.4.4.8 Objectionable Odors

**Potential Impact:** Will the project create objectionable odors affecting a substantial number of people?

Less than Significant Impact.

Typical odor nuisances include hydrogen sulfide, ammonia, chlorine, and other sulfide-related emissions. There will not be any significant sources of these pollutants during construction, operation, or maintenance of this project. Impacts caused by odor will therefore be less than significant.

Mitigation Measures: None required.

4.4.4.9 Greenhouse Gas Emission Reduction Plan

**Potential Impact:** Will the Project conflict with an applicable plan, or policy, or regulation adopted to reduce the emissions of greenhouse gases?

Less than Significant.

*Consistency with the Air Resources Board's Scoping Plan*

The Air Resources Board's December 2008 *Climate Change Scoping Plan* (the "Scoping Plan") provides goals and standards for every part of California's economy. The Project's compliance with the *Climate Change Proposed Scoping Plan* will indicate if Project emissions could conflict with the State's Assembly Bill 32 goals for reducing greenhouse gas emissions. The Scoping Plan's Appendix C requires that the design, construction, and operations of new State government buildings meet LEED silver certification. The Scoping Plan's requirements also stipulate that facility sites will be consistent with the State's planning priorities and regional planning processes, will promote resource-efficient development, and will support public transit. Since the AOC's design requirements mandate LEED Silver measures, the project is in downtown San Diego near public transit facilities, and the Project develops a previously developed site, the AOC concludes that the Project is consistent with the Scoping Plan's goals for State Government actions.

The Scoping Plan provides recommended greenhouse gas reduction measures that lead to emission reductions for sources that are within the capped sectors of the California economy and sources or sectors not covered by cap-and-trade program. *Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan* presents these recommended measures are described in greater detail. The measures most applicable to the Project are actions related to energy efficiency, water conservation, and transportation. *Table 4.4-8* presents each applicable measure and the Project's consistency with the measures.

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Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
T-1	Transportation	Pavley I and II – Light-Duty Vehicle Greenhouse Gas Standards	No	No
T-2	Transportation	Low Carbon Fuel Standard (Discrete Early Action)	No	No
T-3	Transportation	Regional Transportation-Related Greenhouse Gas Targets	No	No
T-4	Transportation	Vehicle Efficiency Measures	No	No
T-5	Transportation	Ship Electrification at Ports (Discrete Early Action)	No	No
T-6	Transportation	Goods-movement Efficiency Measures	No	No
T-7	Transportation	Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure – Aerodynamic Efficiency (Discrete Early Action)	No	No
T-8	Transportation	Medium and Heavy-Duty Vehicle Hybridization	No	No
T-9	Transportation	High Speed Rail	No	No
E-1	Electricity and Natural Gas	Increased Utility Energy efficiency programs More stringent Building and Appliance Standards	Yes	No
E-2	Electricity and Natural Gas	Increase Combined Heat and Power Use by 30,000 gigawatt hours	No	No
E-3	Electricity and Natural Gas	Renewable Portfolio Standard	No	No
E-4	Electricity and Natural Gas	Million Solar Roofs	No	No
CR-1	Electricity and Natural Gas	Energy Efficiency	Yes	No
CR-2	Electricity and Natural Gas	Solar Water Heating	No	No
GB-1	Green Buildings	Green Buildings	Yes	No
W-1	Water	Water Use Efficiency	Yes	No
W-2	Water	Water Recycling	No	No
W-3	Water	Water System Energy Efficiency	Yes	No

Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan, continued

<b>ID #</b>	<b>Sector</b>	<b>Strategy Name</b>	<b>Applicable to Project?</b>	<b>Will Project Conflict With Implementation?</b>
W-4	Water	Reuse Urban Runoff	No	No
W-5	Water	Increase Renewable Energy Production	No	No
W-6	Water	Public Goods Charge (Water)	No	No
I-1	Industry	Energy Efficiency and Co-benefits Audits for Large Industrial Sources	No	No
I-2	Industry	Oil and Gas Extraction Greenhouse Gas Emission Reduction	No	No
I-3	Industry	Greenhouse Gas Leak Reduction from Oil and Gas Transmission	No	No
I-4	Industry	Refinery Flare Recovery Process Improvements	No	No
I-5	Industry	Removal of Methane Exemption from Existing Refinery Regulations	No	No
RW-1	Recycling and Waste Management	Landfill Methane Control (Discrete Early Action)	No	No
RW-2	Recycling and Waste Management	Additional Reductions in Landfill Methane – Capture Improvements	No	No
RW-3	Recycling and Waste Management	High Recycling/Zero Waste	No	No
F-1	Forestry	Sustainable Forest Target	No	No
H-1	High Global Warming Potential Gases	Motor Vehicle Air Conditioning Systems (Discrete Early Action)	No	No
H-2	High Global Warming Potential Gases	SF <sub>6</sub> Limits in Non-Utility and Non-Semiconductor Applications (Discrete Early Action)	No	No
H-3	High Global Warming Potential Gases	Reduction in Perfluorocarbons in Semiconductor Manufacturing (Discrete Early Action)	No	No
H-4	High Global Warming Potential Gases	Limit High GWP Use in Consumer Products (Discrete Early Action, Adopted June 2008)	No	No
H-5	High Global Warming Potential Gases	High GWP Reductions from Mobile Sources	No	No



Table 4.4-8: Recommended Actions for Climate Change Proposed Scoping Plan, continued

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
H-6	High Global Warming Potential Gases	High GWP Reductions from Stationary Sources	No	No
H-7	High Global Warming Potential Gases	Mitigation Fee on High GWP Gases	No	No
A-1	Agriculture	Methane Capture at Large Dairies	No	No

Source: California Air Resources Board, *Assembly Bill 32 Scoping Plan*, 2008.

## 2 *Electricity and Natural Gas*

- Action E-1 aims to reduce electricity demand by implementing Utility Energy Efficiency Programs and adopting more stringent building and appliance standards. The Project will include energy efficient heating/cooling systems, appliances, and fixtures in the Project design. Therefore, the Project will help implement and will not conflict with Action E-1.
- Action CR-1 relates to energy efficiency in commercial and residential buildings. The Project will incorporate cool roofs, pavements, and shade trees. Therefore, the Project will be consistent with Action CR-1.

## 11 *Green Buildings*

- Action GB-1 expands the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The AOC's design effort includes the objective of achieving a LEED Silver certification, which complies with the Scoping Plan and the California Building Standards Commission's green building standards in the 2007 California Green Building Standards Code, CCR, Title 24, Part 11. Therefore, the Project is consistent with this Recommended Action.

## 18 *Water Use*

- Recommended Action W-1 pertains to implementation of water use efficiency measures. The Project design will incorporate water-efficient landscaping measures in accordance with the Municipal Code and may include drought-resistant landscaping. Therefore, the Project is consistent with this Recommended Action.

- Action W-3 relates to water system energy efficiency. The Project will incorporate water-efficient fixtures and appliances into proposed buildings in accordance with LEED Silver measures. Therefore, the Project is consistent with Action W-3.

The Project is consistent with the California Environmental Protection Agency Climate Action Team proposed early action measures to mitigate climate change. These early action measures such as the proposed Project's emission reductions of heavy-duty vehicles as related to construction vehicles are designed to ensure that projects meet the Governor's climate reduction targets, and are documented in the *Climate Action Team Report to Governor Schwarzenegger at the Legislature*, March 2006.

### *San Diego Sustainable Community Program*

Since the Project's design will incorporate features that conform to standards of a LEED Silver building, the Project will be consistent with the City's goal of reducing greenhouse gas emissions through fuel efficiency, energy conservation and the use of renewable energy.

Since the Project is consistent with applicable State and City plans, impacts are less than significant.

Mitigation Measures:               None required.

#### 4.4.1.10 Greenhouse Gas Emissions

**Potential Impact:**     Will the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact.

### *Construction Emissions of Greenhouse Gases*

Direct Project-related greenhouse gas emissions include emissions from construction activities, area sources (natural gas), and mobile sources. *Table 4.4-9: Estimated Greenhouse Gas Emissions*, provides estimates of the Project's future carbon dioxide, nitrous oxide, and methane emissions.

Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse

Source	Carbon Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric Tons of Carbon Dioxide Eq/yr) <sup>6</sup>	Methane (Metric tons/year)	Methane (Metric Tons of Carbon Dioxide Equiv./yr) <sup>6</sup>	Total Metric Tons of Carbon Dioxide Equiv./yr <sup>6</sup>
Total Construction Emissions <sup>1</sup>						
2014	1,450.92	0.01	0.25	0.05	15.88	1,467.05
2015	494.57	0.01	0.21	0.06	18.23	513.01
2016	494.02	0.01	0.20	0.06	17.90	512.12
2017	298.77	0.01	0.21	0.05	16.44	315.42
Total Construction Emissions (Metric Tons of Carbon Dioxide Equivalents) <sup>7</sup>	2,807.60					
Operational Emissions (Per Year)						
Direct Emissions						
Natural Gas (Area Source) <sup>2</sup>						
Gross Consumption (247,000 BGSF)	80.71	0.00	0.46	0.00	0.03	81.20
15% Deduction Realized From Enhanced Energy Efficiency	12.11	0.00	0.07	0.00	0.00	12.18
18% Offset From Demolition of Stahlman Block buildings	14.53	0.00	0.08	0.00	0.01	14.62
Net Natural Gas	54.07	0.00	0.31	0.00	0.02	54.40
Mobile Source <sup>2, 3</sup>	239.14	0.01	4.47	0.01	0.29	243.90
Total Direct Emissions (Area Source Plus Mobile Source) <sup>7</sup>	293.21	0.01	4.78	0.01	0.31	298.3
Indirect Emissions						
Electricity Consumption <sup>4</sup>						
Gross Consumption (247,000 BGSF)	784.49	0.01	2.08	0.04	0.86	787.43

Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse, continued

Source	Carbon Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric tons/year)	Nitrogen Dioxide (Metric Tons of Carbon Dioxide Eq/yr) <sup>6</sup>	Methane (Metric tons/year)	Methane (Metric Tons of Carbon Dioxide Equiv./yr) <sup>6</sup>	Total Metric Tons of Carbon Dioxide Equiv./yr <sup>6</sup>
15% Deduction Realized From Enhanced Energy Efficiency	117.67	0.00	0.31	0.00	0.13	118.11
18% Offset From Demolition of Stahlman Block buildings	141.21	0.00	0.37	0.01	0.15	141.74
NET ELECTRICITY CONSUMPTION	672.60	0.00	1.67	0.04	0.69	629.95
Water Supply <sup>5</sup>	0.01	0.00	0.00	0.00	0.00	0.01
<b>Total Indirect Emissions<sup>7</sup></b>	<b>525.61</b>	<b>0.01</b>	<b>1.40</b>	<b>0.03</b>	<b>0.58</b>	<b>527.58</b>
<b>Total Project-Related Operational Emissions (Direct and Indirect Operational Emissions)</b>	<b>825.89 MTCO<sub>2</sub>eq/year<sup>7</sup></b>					

## Notes:

1. Emissions calculated using Air Resources Board's Construction Equipment Emissions Table and the URBEMIS 2007 computer model.
2. Emissions calculated using URBEMIS 2007 computer model and the SCAQMD's *CEQA Handbook*.
3. Emissions calculated using URBEMIS 2007 computer model and EMFAC 2007, *Highest (Most Conservative) Emission Factors for On-Road Passenger Vehicles and Delivery Trucks*.
4. Electricity Consumption emissions calculated using the usage rates provided by the AOC and using the SCAQMD's *CEQA Handbook* (note that SCAQMD has the most comprehensive demand factors available).
5. Water usage calculations based on usage in 2009 provided by AOC. Emissions are based on energy usage factors for water conveyance from the California Energy Commission, *Water Energy Use in California*, Accessed March 2010. <http://www.energy.ca.gov/research/iaw/industry/water.html>. Based on calculations carbon dioxide equivalent associated with water usage is less than 0.01; refer to *Appendix B*.
6. CO<sub>2</sub> Equivalent values calculated using the U.S. Environmental Protection Agency Website, *Greenhouse Gas Equivalencies Calculator*, <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>, accessed March 2010.
7. Totals may be slightly off due to rounding.
8. Greenhouse gas emissions threshold is based on the Bay Area Air Quality Management District, *California Environmental Quality Act Guidelines Update*, May 2010.

Refer to *Appendix B, Air Quality Analysis Data*, for detailed model input/output data.

Construction of the Project will result in direct emissions of approximately 1,467 metric tons of carbon dioxide equivalent in 2014, 513 metric tons of carbon dioxide equivalent in 2015, 512 metric tons of carbon dioxide equivalent in 2016, and 315 metric tons of carbon dioxide equivalent in 2017. Total construction emissions for 2014 through 2015 will be approximately 2,808 metric tons of carbon dioxide equivalent. Over the lifetime of the AOC's 50-year projected lifespan for the new courthouse, amortized construction emissions are approximately 56 metric tons of carbon dioxide equivalent per year; for the South Coast Air District's 30-year lifespan, amortized greenhouse gas emissions are approximately 94 metric tons of carbon dioxide equivalent per year.

### *Operational Emissions*

The construction of the New San Diego Central Courthouse will be approximately 750,000 square feet; an increase of approximately 247,000 square feet from the existing 503,000 square-foot building. As stated in Section 4.4.2.1, the greenhouse gas analysis analyzes only the net increase in traffic, water, and electricity of the proposed new courthouse after consideration of demolition of the Stahlman Block buildings, demolition of the County Courthouse, and the proposed new courthouse's mandated elevated energy efficiency.

As indicated in the *Traffic Impact Analysis Report*, the Project will slightly modify existing traffic circulation patterns within the roadway network in the vicinity of the Project and will eliminate some traffic trips due to the demolition of Stahlman Block's buildings, the County Courthouse, and the Old Jail. The Project will result in an overall net increase of 134 daily traffic trips. Mobile source emissions will represent the greatest amounts of greenhouse gases generated from the Project.

As shown in *Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse*, the Project will result in 244 metric tons of carbon dioxide equivalent per year of mobile source greenhouse gas emissions and approximately 54 metric tons of carbon dioxide equivalent per year from natural gas consumption. Mobile emission will be approximately 82 percent of the direct operational emissions.

Indirect emissions include emissions from the Project's consumption of electricity and water. As shown in *Table 4.4-9: Estimated Greenhouse Gas Emissions for New San Diego Central Courthouse*, the Project will indirectly result in approximately 528 metric tons of carbon dioxide equivalent per year due to a net increase in electricity usage. Emissions from indirect energy impacts due to water supply will be negligible with less than 0.01 total metric tons of carbon dioxide equivalents per year.

Total calculated operational emissions are approximately 826 metric tons of carbon dioxide equivalents per year. For the total emissions, direct mobile-related emissions will be approximately 30 percent of the total emissions, natural gas emission will be approximately

7 percent of the total, electricity emissions will be approximately 64 percent of the total emissions, and water-related emissions will be a negligible part of the total emissions.

As stated in Section 4.4.4.9, the AOC concludes that the Project is consistent with the Air Resource Board Scoping Plan's goals for State Government actions, and the AOC concludes that the Project's construction and operational emissions are not substantial. Although the Air District has not set thresholds for greenhouse gas emissions, the Project's emissions are consistent with the South Coast Air District's proposed interim greenhouse gas emission threshold. Therefore, the Project's impacts are less than significant.

### *Effects of Climate Change on the Project*

The following climate change effects might affect the Project; however, the type and degree of the impacts that climate change will have on humans and the environment is difficult to predict at the local scale.

- Sea Level Rise. According to the Intergovernmental Panel on Climate Change, climate change might to raise sea levels by up to four feet. The Project area is approximately one-half mile from the Pacific Ocean and approximately 32 feet above mean sea level. Therefore, a rise in sea level of this magnitude will not inundate the Project area. Additionally, the effects related to sea level rise are speculative at this time. If determined to be a significant threat, regional and local governments likely install protective measures such as levees to protect such a densely urbanized area.
- Natural Disasters. Climate change might result in increased flooding and weather-related disasters. The Project is located approximately one-half mile from the Pacific Ocean and may not be exposed to intense coastal storms. The frequency of large floods on rivers and streams also might increase. Although the Project includes habitable structures, it will not impede flood flows or be susceptible to increased flooding; thus, flood-related impacts will be less than significant even under an intensified flooding scenario.
- Wildfires. Climate change could result in increased occurrences and duration of wildfire events. The Project site (and majority of the City) is located in a very highly urbanized area; however, many areas on the outskirts of the City are in a high fire severity zone, as delineated by the California Department of Forestry and Fire Protection, exposing those areas to wildfire hazards. The warming climate could cause those areas of the City to experience more frequent wildfires of great intensity. Therefore, wildfire risks as a result of global climate change will be significant; however, the Project site's location makes the exposure to more frequent wildfires much smaller than the surrounding non-urban areas.

- 1           ▪ Air Quality. Climate change will compound negative air quality impacts in the  
2           San Diego Air Basin, resulting in respiratory health impacts.<sup>23</sup>

3   Other predicted physical and environmental impacts associated with climate change include  
4   heat waves, alteration of disease vectors, biome shifts, impacts on agriculture and the food  
5   supply, reduced reliability in the water supply, and strain on the existing capacity of  
6   sanitation and water-treatment facilities. While these issues are a concern for society at  
7   large, none of these effects will have a substantial effect on the Project.

8   The AOC concludes that the project's greenhouse gas emissions will be less than significant.

9   Mitigation Measures: None.

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<sup>23</sup> California Environmental Protection Agency, *AB 1493 Briefing Package*, 2008.

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## 4.5 BIOLOGICAL RESOURCES

This section has been prepared to address potential impacts on biological resources associated with the proposed Project.

### 4.5.1 Environmental Setting

The Project site is located in an urban area of downtown San Diego. The Project site is currently developed with several existing commercial uses and a surface parking lot. The surrounding area is developed with high density civic uses and commercial businesses. No native or sensitive biological resources are present on the Project site or within the immediate surrounding area.

### 4.5.2 Analytical Framework

As the Project is located in an urban setting in downtown San Diego, there are no biological resources on the Project site or in the surrounding area. The Project was found to have no impact on biological resources.

### 4.5.3 Standards of Significance

For purposes of evaluating impacts in this EIR, the AOC considers an impact to be significant if:

- The Project will have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- The Project will have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- The Project will have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means; or,

- The Project will result in potentially significant adverse effects to wildlife dispersal corridors.

#### 4.5.4 Potential Impacts and Mitigation Measures

##### 4.5.4.1 Special Status Species

**Potential Impact:** (BIO-1) Will the Project have a substantial adverse effect either directly, or through habitat modifications, on any species identified as a candidate sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

**No Impact.**

The Project site is devoid of vegetation, and the Project site presently supports a surface parking lot, commercial buildings, and associated urban facilities and infrastructure. Downtown San Diego is almost entirely devoid of native vegetation and its associated wildlife. Ornamental trees, parkways, occasional lawns and gardens largely comprise the perennial vegetation within the downtown area. As such, no impacts on biological resources will occur with the Project, and no mitigation is required.

##### 4.5.4.2 Sensitive Habitat

**Potential Impact:** (BIO-2) Will the Project have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

**No Impact.**

The Project site does not support nor is it adjacent to any riparian habitat or other sensitive natural community. The property does not support any native vegetation or have any features that would make it suitable for sensitive habitat to grow on the site. The Project does not conflict with any regional plans, policies, or regulations that have been established for the protection of sensitive habitats. As such, no impacts on biological resources will occur with the Project, and no mitigation is required.

##### 4.5.4.3 Wetlands

**Potential Impact:** (BIO-3) Will the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act

(including but not limited to, marsh, vernal pool, coastal, etc) through removal, filling, hydrological interruption, or other means?

**No Impact.**

No wetlands as defined by Section 404 of the Clean Water Act or any other state or local definition are present on the Project site. In addition, no hydrological features or riparian habitat occur on the property or in the vicinity. As such, no impacts on wetlands will occur with the Project, and no mitigation is required.

#### 4.5.4.4 Wildlife Dispersal Corridors

**Potential Impact:** (BIO-4) Will the proposal result in potentially significant adverse effects to wildlife dispersal corridors?

**Not Applicable.**

The Project site is completely developed in a high density urban setting and does not support any biological habitat. The Project will therefore not disrupt any wildlife migratory patterns or dispersal corridors. As such, no impacts on wildlife dispersal will occur with the Project, and no mitigation is required.

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## 4.6 CULTURAL AND HISTORIC RESOURCES

This section evaluates the potential impacts of the Project on cultural, archaeological, and historic resources. Analysts based the cultural and historical resources analysis on the *Historic Structure Assessment and Archaeological Review for the New San Diego Central Courthouse Project* (the “Smith Assessment”), prepared by Brian F. Smith and Associates, dated May 17, 2010. *Appendix C* of this EIR contains the report.

Historic development of downtown San Diego has impacted the physical evidence of earlier human use; however, intact archaeological resources exist under present structures and peripheral to the disturbed zone. There are records for both prehistoric and historic archaeological sites attributable to human land use for downtown San Diego. In the downtown area today, discoveries of archaeological features and deposits that date to the last half of the nineteenth century and the first half of the twentieth century are commonly underneath older buildings during construction excavations associated with redevelopment activities. These archaeological discoveries include residential and commercial features and refuse that allow researchers to identify historic lifeways in the early years of downtown San Diego development.

### 4.6.1 Environmental Setting

#### 4.6.1.1 Prehistoric Setting

The prehistory of the San Diego region is supported by archaeological remains indicating up to 10,500 years of occupation by Native Americans. The earliest archaeological remains suggest a nomadic hunting culture and gathering culture largely dependent upon shellfish and plant foods from littoral (near shore) resources of the area. Ancestors to the current Kumeyaay people are the primary representatives of the Late Prehistoric Period (AD 0 to 1769) in the City. Prehistorically, the Kumeyaay were a hunting and gathering culture, adapted to a range of ecological zones from the Pacific Ocean Coast to the Peninsular Range.

#### 4.6.1.2 Ethnographic Setting

The ethnohistoric period began in the San Diego region in approximately 1769 with the Spanish colonization of Alta California, which established the mission system and changed the lives of the Kumeyaay people. Ethnohistoric accounts of the coastal Kumeyaay are limited and instead largely represent the people living further inland in the mountain and desert regions.

#### 4.6.1.3 Historic Setting

Historic development of downtown San Diego began in the 1850s. The Boom Period of the mid-1880s saw San Diego's population expand at a tremendous rate. The late 1870s to mid-1880s saw the gradual abandonment of private wells and cisterns; by 1905, no windmills could be seen in downtown photographs. Once the wells and cisterns were abandoned, they often became ready-made refuse pits. This factor is partly responsible for the historic archaeological deposits being discovered as New Town is redeveloped.

The first decade of the twentieth century started off with steady development in San Diego; however, by the end of the decade, announcements such as a direct rail connection to the east and plans to hold a World Exposition to celebrate the completion of the Panama Canal had increased the pace of development in the City. The population doubled from 17,700 to 39,578 over the course of the decade.<sup>1</sup> The Spreckles Wharf at Pacific and Market Streets became the focus of commercial attention and soon "D" Street (Broadway) replaced Fifth Avenue as the main thoroughfare into downtown.

From 1870 to the 1910s, the area peripheral to the wharfs and warehouses at the bayside was developed as largely residential. The main streets of Fifth Avenue and Broadway were the focus of commercial and retail establishments with workers living in the immediately surrounding area. During the 1920s and 1930s, the City began to expand north and east. As the population grew, so did the commercial portion of downtown. Warehouses and other commercial buildings were constructed on land that was formerly given to residences. Workers began to move to the suburbs and commute to their downtown jobs.

The 1930s brought the Depression and a shift in industries to southern California. Development in San Diego was reduced during the thirties, although the City was not hit as hard as other U. S. cities. At the close of the decade, several of the old harbor and manufacturing industries gave way to a burgeoning aircraft industry, and San Diego's numerous naval installations began to prepare for the possibility of war. The U. S. Navy took control of the waterfront and all shipping. As the economy and job market improved, the City's increased population spread into the residential areas and suburbs away from downtown proper. The focus of downtown San Diego development shifted from mixed residential and commercial use to primarily a commercial and industrial zone of warehouses and factories by World War II.<sup>2</sup> Residential use of downtown has reestablished itself with the establishment of the CCDC in 1975.

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<sup>1</sup> U.S. Bureau of the Census

<sup>2</sup> Schaefer 1999

#### 4.6.1.4 Project Site-Specific History

Sanborn maps from 1887 and 1888 indicate the presence of several dwellings and windmills and water tanks on the central and southern portions of the property. The older Sanborn Fire Insurance Maps of 1886 to 1949 show a pattern of early residential use that was gradually replaced by light business and commercial use sometime between 1921 and 1949, according to the two available issues of the fire insurance maps. Review of historical information indicates that, over time, the Project site supported numerous auto repair and service facilities, extending as far back as 1927. In addition, suspected commercial paint operations were identified in the northwestern portion of the site, and a plating and manufacturing business was identified onsite in 1927.<sup>3</sup> According to the Sanborn Fire Insurance Map of 1949, small businesses had replaced the earlier residential land use on the blocks that comprise the Project area.

According to the San Diego County General Services, Real Estate Division, the County Courthouse and Old Jail were completed on June 30, 1961 (Snyder, 2010).<sup>4</sup> The County transferred ownership of the County Courthouse and Old Jail to the State of California in 2009.

#### 4.6.1.5 Historic District and Historic Properties

The City's General Plan Historic Preservation Element provides a summary of the regional history of the downtown area from the Pre-Historic Period to the American Development Period (present-day). Table HP-1 of the Historic Preservation Element identifies designated historical resources within the City for each of these periods. Chapters 11, 12, and 14 of the City's Municipal Code establish the City's Historic Resources Board, which has the authority to nominate resources within the City to State and National registers.

The Smith Assessment reports on analysts' archaeological records search update at the South Coastal Information Center. There are records of 13 cultural resource sites within one-quarter mile of the Project area. Eleven of these resources are historic and two are multi-component. In addition, there are records of 66 historic addresses within a one-quarter mile radius of the Project area. The existing County Courthouse and Old Jail buildings are not listed as important historical resources.

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<sup>3</sup> Report of Phase I and Limited Phase II Environmental Site Assessments. Prepared by LAW/Crandall. July 24, 2000.

<sup>4</sup> Historic Structure Assessment and Archaeological Review. Prepared by Brian F. Smith & Associates. May 17, 2010.

#### 4.6.1.6 Archaeological Resources

As noted above, the archaeological records searchers found sixty-three previous studies for sites within one-quarter mile radius of the Project site, some of which overlap the properties affected by the Project. Thirteen cultural resources sites are within one-quarter mile of the Project area. Eleven of these resources are historic and two are multi-component.

The adjacent County Courthouse and Old Jail may have similar unknown archaeological resources on their parcels; however, since these structures have basements, the excavation required to construct the basements reduces the potential for undiscovered resources and adds previous disturbance to the sites.

### 4.6.2 Analytical Framework

#### 4.6.2.1 Analytical Methodology

Brian F. Smith and Associates prepared a cultural resources investigation for the proposed New San Diego Central Courthouse site and an historical evaluation of the existing County Courthouse and Old Jail. The Project site is currently developed with several buildings and a surface parking lot. As the parking lot has a paved surface and three structures are present onsite, analysts did not perform an archaeological field investigation since any archaeological resources would not be readily visible. Analysts identified potential cultural resources either onsite or within a one-mile radius of the Project area that might be affected by the Project through archival research and a review of cultural resources surveys previously conducted for the Project area. This research was intended to identify cultural resources within the study area that have been previously discovered and recorded as the result of development that disturbed the earth's surface and allowed for the uncovering of buried resources.

The historical evaluation was performed by a qualified historian to determine if the County Courthouse or Old Jail buildings contained any historically significant features. The analysis consisted of reviewing County Real Estate Records, architectural plans, and a review of local history in the downtown area.

Analysts reviewed the following resources to evaluate potential cultural and historical resources in the Project area:

- The General Plan;
- City of San Diego General Plan Final Program Environmental Impact Report (September 2007); and,
- The Smith Assessment.



## 4.6.2.2 Regulatory Background

### *Federal*

#### National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966, as amended (14 U.S.C. §470), established a national policy of historic preservation and encourages such preservation. The National Historic Preservation Act established the Advisory Council on Historic Preservation and provided procedures for the agency to follow if a proposed action affects a property that is included, or that may be eligible for inclusion, on the National Register of Historic Places. The National Register of Historic Places was developed as a direct result of the National Historic Preservation Act.

#### National Register of Historic Places

The National Register of Historic Places is the official list of properties recognized for significance and worthiness of preservation. The National Register Criteria for Evaluation provides guidelines to be used by the Federal, State, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. As established in the National Historic Preservation Act of 1966, to be listed in the National Register of Historic Places or determined eligible for listing, properties must meet certain criteria for historic or cultural significance. Qualities of significance may be found in aspects of American history, architecture (interpreted in the broadest sense to include landscape architecture and planning), archaeology, engineering, or culture. A property is eligible for the National Register of Historic Places if it is significant under one or more of the following criteria:

- Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history.
- Criterion B: It is associated with the lives of persons who are significant in our past.
- Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or it represents the work of a master or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction.
- Criterion D: It has yielded, or may be likely to yield, information important in prehistory and history.

To be eligible for listing on the National Register of Historic Places, qualities of integrity must also be evident in the resource, measured by the degree to which it retains its historic

location, design, setting, materials, workmanship, feeling, and association. In general, the resource must be a minimum of 50 years of age to be considered for the National Register of Historic Places, but there are exceptions and overriding considerations to this requirement.

A property or structure that is listed on the National Register of Historic Places does not in and of itself provide protection for a historic resource. The primary result of National Register of Historic Places listing for the owners of these properties is the availability of financial and tax incentives for the rehabilitation or preservation of such resources.

## *State*

### California Environmental Quality Act (CEQA)

CEQA requires that the lead agency must examine whether a project will have a significant adverse effect on unique historical and archaeological resources.<sup>5</sup> CEQA Guidelines Section 15064.5(b) states that a substantial adverse change means physical demolition, destruction, relocation, or alteration in the resource, such that the resource is “materially impaired.” A historical resource is considered to be materially impaired when a project demolishes or materially alters the physical characteristics that justify the determination of its significance.

In addition, under CEQA Guidelines Section 15064.5(b)(3), a project that seeks to improve a historic resource in accordance with either of the following publications will be considered as mitigated to a level of less-than-significant:

- Secretary of the Interior’s Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings
- Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

As stated in CEQA Guidelines Section 15064.05(a), public agencies are required to assess the effects of a project on historical resources, and it considers “historical resources” to include:

*(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.01).*

*(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.01(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public*

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<sup>5</sup> CEQA Guidelines Section 15064.5.

agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, the lead agency will consider a resource to be "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.01).

In addition to retaining physical integrity, historic resources are typically 45 years of age or greater. Historic resources are required to meet at least one of the criteria for listing in the California Register, as described above (CEQA Guidelines Section 15064.05 (a)(3)).

Archaeological resources that are not considered to be "historical resources" may instead be considered as "unique archaeological resources" as defined in Public Resources Code Section 21083.2. Resources that are considered "non-unique archaeological resources" are not subject to protection with regard to CEQA. If a resource is not a unique archaeological resource or a historical resource, potential project effects on such a resource are not significant for the CEQA.

#### California Health and Safety Code

If human remains are encountered during site disturbance activities, California Health and Safety Code Section 7050.5 requires that all ground-disturbing activities at the site and within proximity where human remains are reasonably suspected to exist shall cease until the county coroner is contacted. If the coroner concludes that the human remains are of Native American origin, the coroner shall contact the Native American Heritage Commission within 24 hours. All activities shall proceed consistent with applicable State laws relative to the disposition of Native American burials, as regulated by the Native American Heritage Commission (Public Resource Code Sec. 5097).

#### California Register of Historical Resources

The California Office of Historic Preservation established the California Register as an authoritative guide to historical resources in the State of California. Criteria used for inclusion of properties on this listing are as follows:

*"While the significance criteria for the California Register are similar to those used by the National Register of Historic Places this new California Register will document the unique history of the Golden State."*

To qualify for listing in the California Register, the resource must retain integrity and meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or,
- Has yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in the National Register of Historic Places program as a property's ability to convey its significance. Evaluation of integrity may be a somewhat subjective judgment; however, it must be founded on "an understanding of a property's physical features and how they relate to its significance."

Per the California Public Resources Code (Section 5024.1, 14 California Code of Regulations Section 4850), properties of local significance that are designated under a local preservation ordinance, or that have been identified in a local historical resources inventory, may be eligible for listing in the California Register. Resources that are eligible for listing in the National Register of Historical Resources are automatically listed by the State in the California Register of Historical Resources.

Criteria for listing historical resources on the California Register are consistent with those identified by the U.S. National Park Service for listing properties on the National Register; however, such criteria for State listing have been adapted to adequately recognize historical resources and events that represent the extensive history of the State of California. Historical resources eligible for nomination to the California Register of Historical Resources include the following:

*"[a] historical resource... designated or listed as a city or county landmark... pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been approved by the Office (Historic Preservation) as meeting standards set by the Commission."*

*"[a] historic resource or a group of local landmarks or historic properties designated under a municipal or county ordinance."*

No historic resources currently listed in the California Register or determined eligible for listing in the California Register of Historical Resources by the State Historical Resources Commission are located on the Project site.

## *Local*

### City of San Diego General Plan (March 2008)

The General Plan's Historic Preservation Element is intended to "guide the preservation, protection, restoration, and rehabilitation of historical and cultural resources and maintain a sense of the City...to improve the quality of the built environment, encourage appreciation for the City's history and culture, maintain the character and identity of communities, and contribute to the City's economic vitality through historic preservation."<sup>6</sup>

Goals and policies identified within the Historic Preservation Element include:

#### **A. Identification and Preservation of Historical Resources**

##### **Goals**

- Identification of the historical resources of the City
- Preservation of the City's important historical resources

##### **Policies**

HP-A.4. Actively pursue a program to identify, document, and evaluate the historical and cultural resources in the City of San Diego.

b. Include Native American monitors during all phases of the investigation of archaeological resources including survey, testing, evaluation, data recovery, and construction monitoring.

c. Treat with respect and dignity any human remains discovered during implementation of public and private projects within the City and fully comply with the California Native American Graves Protection and Repatriation Act and other appropriate laws.

HP-A.5. Designate and preserve significant historical and cultural resources for current and future generations.

### City of San Diego Municipal Code

The Municipal Code (Chapters 11, 12 and 14) establishes the authority of the City's Historical Resources Board. In addition, the Municipal Code defines the procedural process for nominating and designating historical resources, and identifies development regulations for such resources. These regulations are intended to provide protection, preservation, and, where damaged, restoration of the City's historical resources. The Municipal Code requires preservation of designated historical resources, important archaeological sites, and

<sup>6</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

1 traditional cultural properties unless findings can otherwise be made as part of the  
2 discretionary permit process. Limited development may be allowed to encroach into  
3 important archaeological sites if appropriate mitigation measures are identified and  
4 adopted as conditions of approval.

5 In addition, the City's Land Development Manual identifies Historical Resources  
6 Guidelines, intended to provide specific guidance for ongoing management of the City's  
7 historical resources. The *Guidelines for the Application of Historical Resources Board Designation*  
8 *Criteria* (adopted August 27, 2009 by the Historical Resources Board) are included as  
9 Appendix E, Part 2 of the Historical Resources Guidelines of the Land Development Manual  
10 and shall be used when evaluating a resource's eligibility for listing on the local register. The  
11 guidelines are intended to allow for implementation of regulations pertaining to historical  
12 resources and to guide the development review process. The guidelines identify the need  
13 for a resources survey; provide report requirements; and, identify how impacts are to be  
14 assessed, available mitigation strategies, and proper treatment of historical resources.

#### 15 Certified Local Government

16 In 1986, the City became a Certified Local Government per measures given in the National  
17 Historic Preservation Act. The City must comply with the following basic requirements:

- 18     ▪ Enforce appropriate State and local laws and regulations for the designation and  
19       protection of historic properties, including adoption of a historic preservation plan  
20       or inclusion of a historic preservation element in the General Plan;
- 21     ▪ Establish a historic preservation review commission by local ordinance;
- 22     ▪ Maintain a system for the survey and inventory of historic properties;
- 23     ▪ Provide for public participation in the local preservation program; and,
- 24     ▪ Satisfactorily perform responsibilities delegated to it by the State.

25 As a certified local government, the City gains the "prestige and credibility of associating  
26 the local preservation program with time-tested State and national preservation programs.  
27 Other benefits include technical assistance offered by knowledgeable staff at Office of  
28 Historic Preservation and statewide Certified Local Governments; ability to compete for  
29 annual Historic Preservation Fund grants; direct participation in the nomination of historic  
30 properties to the National Register; and, ability to perform other preservation functions  
31 delegated by the Office of Historic Preservation under the National Historic Preservation  
32 Act. These may include the responsibility to review and comment on development projects  
33 for compliance with federal and State environmental regulations, including such activities  
34 as review under Section 106 of the National Historic Preservation Act, review of National

1 Register nominations, and review of rehabilitation plans for projects seeking Federal  
2 Rehabilitation Tax Credit.”<sup>7</sup>

### 3 San Diego Register of Historical Resources

4 Any improvement, building, structure, sign, interior element and fixture, feature, site, place,  
5 district, area, or object may be designated a historical resource by the City's Historical  
6 Resources Board if one or more of the following designation criteria are met:

- 7     ▪ Exemplifies or reflects special elements of the City's, a community's, or a  
8       neighborhood's historical, archaeological, cultural, social, economic, political,  
9       aesthetic, engineering, landscaping or architectural development.
- 10    ▪ Is identified with persons or events significant in local, state or national history.
- 11    ▪ Embodies distinctive characteristics of a style, type, period, or method of  
12      construction or is a valuable example of the use of indigenous materials or  
13      craftsmanship.
- 14    ▪ Is representative of the notable work of a master builder, designer, architect,  
15      engineer, landscape architect, interior designer, artist, or craftsman.
- 16    ▪ Is listed or has been determined eligible by the National Park Service for listing on  
17      the National Register of Historic Places or is listed or has been determined eligible by  
18      the State Historical Preservation Office for listing on the State Register of Historical  
19      Resources.
- 20    ▪ Is a finite group of resources related to one another in a clearly distinguishable way;  
21      or is a geographically definable area or neighborhood containing improvements  
22      which have a special character, historical interest or aesthetic value; or which  
23      represent one or more architectural periods or styles in the history and development  
24      of the City.

25 In 1967, the City of San Diego designated Balboa Park's El Prado as the first designated  
26 historic resource. More than 750 buildings, structures, objects, districts, cultural landscapes,  
27 and archaeological sites had been listed by the City's Historical Resources Board by the year  
28 2006.<sup>8</sup>

<sup>7</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

<sup>8</sup> City of San Diego General Plan – City of Villages. Adopted March 2008.

### 4.6.3 Standards of Significance

For purposes of evaluating impacts in this EIR, the AOC considers an impact to be significant if the Project will:

- Cause a substantial adverse change in the significance of a historic resource;
- Cause a substantial adverse change in the significance of an archaeological resource;
- or,
- Disturb any known location of human remains.

### 4.6.4 Potential Impacts and Mitigation Measures

#### 4.6.4.1 Historic Resources

**Potential Impact:** (CR-1) Will the Project cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.05?

**Potentially Significant Impact.**

The Project site currently has a surface parking lot and several structures housing various commercial uses. These structures do not represent a notable architectural style, nor have they been the site of notable historic activities or events. The onsite structures also do not represent structures of potential historical significance. Demolition of these structures will not cause a substantial adverse change in the significance of a historic resource as defined in Section 15064.05. Impacts will be less than significant, and no mitigation is required.

The architectural designs of the County Courthouse and Old Jail are simple and utilitarian, as are the various additions to the complex. The County let design and construction contracts to the lowest responsible bidder, thereby limiting expensive and creative design features that would have possibly made the buildings more aesthetically interesting or attractive. The buildings are rather plain, functional structures, and their additions resemble boxes of various sizes whose footprint fit in the space allowed and accommodated maximum use of interior space. The overall appearance reflects the age of the buildings with some wear and tear in the form of worn entries, oxidized window frames, and fading exterior building color, for example. The activities and persons associated with the existing County Courthouse and Old Jail have not had the high historic profile of those that reach the State Supreme Court or the United States Supreme Court.

The existing County Courthouse is located one block to the west of the Sofia Hotel (formerly known as the Pickwick Hotel). The Sofia Hotel is located 150 West Broadway between Front



and 1<sup>st</sup> Avenue. In 2007, the Sofia Hotel was inducted into the National Trust Historic Hotels of America for the preservation of the hotel's heritage.<sup>9</sup> The hotel building, first built in 1927 is notable for its continued presence through the evolution of downtown San Diego as well as the notable San Diegans who have been involved with the hotel.

The demolition of the existing County Courthouse and Old Jail will not detract from the historical nature of the Sofia Hotel. The hotel's history is independent of the County Courthouse and Old Jail and is not connected architecturally or thematically to the buildings or landscape of the Courthouse property. Therefore, demolition of the existing County Courthouse and Old Jail will have no impact on the historical significance of the Sofia Hotel.

Due to the lack of historical activities or events and the utilitarian architectural style, the structures do not represent significant historic resources. Demolition of the existing County Courthouse or Old Jail will not cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.05. Impacts will be less than significant, and no mitigation is required.

Mitigation Measures: None required.

#### 4.6.4.2 Archaeological Resources

**Potential Impact:** (CR-2) Will the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.05?

#### **Less than Significant Impact with Mitigation Incorporated.**

Analysts found records of thirteen cultural resources on sites within one-quarter mile of the Project area as the result of prior resource investigations within the downtown San Diego area. Eleven of these resources are historic and two are multi-component.

Based on the 1949 Sanborn Fire Insurance Map and subsequent aerial photographs, there has been no substantial disturbance of the site's topography; therefore, there remains some potential for undisturbed subsurface archaeological features/deposits such as wells and cisterns whose lower portions likely contain refuse dating to the early residential and small business era period between 1870 and 1930. The Smith Assessment indicates that the site proposed for the New San Diego Central Courthouse has the potential to support subsurface archaeological features/deposits, such as wells and cisterns whose lower portions likely contain refuse dating to the early residential and small business era period between 1870 and 1930. The potential archaeological deposits also include old privy pits and trash pits nearer to the original land surface than the deeper wells and cistern deposits. Other archaeological deposits associated with early development in the downtown include casual

<sup>9</sup> From <http://www.thesofiahotel.com/history.html> accessed on July 21, 2010.

1 disposal of refuse between old buildings, disposal on vacant lots, and disposal on the  
2 ground around older structures. These archaeological resources have the potential to  
3 address important research questions with a demonstrated interest among members of the  
4 academic community and the public at large. For this reason, the potential for  
5 archaeological deposits qualifies the Project site as significant under California  
6 Environmental Quality Act Criterion 15064.5 (a), (3), (D) *“Has yielded, or may be likely to yield,  
7 information important in history or prehistory.”*

8 The AOC concludes that significant cultural resources may be present on the Project site,  
9 and the Project’s grading, excavation, construction, and demolition activities will cause  
10 potential significant impacts to unknown archaeological resources. Therefore, the AOC will  
11 adopt the following mitigation measures to reduce potential Project impacts to a level that is  
12 less than significant.

13 Mitigation Measures: (CR-1) The AOC will require its developer to retain a qualified  
14 archaeologist who shall inform all excavation operations personnel of the Project’s  
15 cultural resource mitigation measures prior to any earth-disturbing activities and  
16 provide instruction to recognize archaeological artifacts, features, or deposits.  
17 Personnel working on the Project will not collect archaeological resources. The  
18 qualified archaeologist will be present for pre-construction meetings and any  
19 Project-related excavations of the uppermost 15 feet of soils on the site when the  
20 AOC begins its construction operations. Prior to construction, the qualified  
21 archaeologist shall submit a cultural resources management plan to the AOC that  
22 outlines the procedures that the AOC and construction personnel will follow if  
23 personnel discover cultural resources during excavation operations.

24 If construction operation personnel discover buried cultural resources such as  
25 chipped or ground stone or building foundations during ground-disturbing  
26 activities, excavation workers shall stop operations in that area and within 100 feet of  
27 the find until the consulting archaeologist can assess the significance of the find. The  
28 archaeologist will evaluate the discovery, determine its significance, and provide  
29 proper management recommendations. Management actions may include scientific  
30 analysis and professional museum curation. The qualified archaeologist shall  
31 summarize the resources in a report prepared to current professional standards.

#### 32 4.6.4.3 Disturbance of Any Human Remains, Including Those Interred 33 Outside of Formal Cemeteries

34 **Potential Impact:** (CR-3) Will the Project disturb any human remains, including those  
35 interred outside of formal cemeteries?

36 **Less than Significant Impact.**

1 The Project will require excavation and grading for construction of the New San Diego  
2 Central Courthouse. Future demolition of the existing County Courthouse and Old Jail will  
3 also require ground disturbance activities for removal of the structures.

4 Analysts found no recorded prehistoric archaeological sites on the Project site, and no  
5 known evidence exists to indicate that burials occurred within the Project area. The AOC  
6 has no information that indicates that the discovery of human remains during ground-  
7 disturbing activities is likely to occur. Therefore, the AOC concludes that the proposed  
8 Project will not cause significant impacts related to the disturbance of human remains. In  
9 the event that human remains are unexpectedly encountered during excavation or grading,  
10 the AOC will comply with State laws relating to the disposition of Native American burials,  
11 as regulated by the Native American Heritage Commission (Public Resource Code Sec.  
12 5097). Impacts will be less than significant, and no mitigation is required.

13 Mitigation Measures: None required.

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